

Friday  
April 3, 1987

# Great Report



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# Contents

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

## Administrative Conference of the United States

### NOTICES

#### Meetings:

- Adjudication Committee and Governmental Processes Committee, 10782

## Agricultural Marketing Service

### RULES

- Lemons grown in California and Arizona, 10729
- Milk marketing orders:
  - Eastern Colorado, 10730
  - Memphis, TN, 10729
- Oranges (navel) grown in Arizona and California, 10728

### NOTICES

- Beef promotion and research; certification stamp use approval, 10782

## Agricultural Stabilization and Conservation Service

### RULES

- Marketing quotas and acreage allotments and special programs:
  - Referenda challenges or disputes, tobacco, and commodity certificates, in kind payments, and other forms of payment, etc., 10725

## Agriculture Department

- See also* Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Federal Crop Insurance Corporation; Food Safety and Inspection Service

### NOTICES

- Import quotas and fees:
  - Meat import limitations; quarterly estimates, 10782

## Animal and Plant Health Inspection Service

### PROPOSED RULES

- Exportation and importation of animals and animal products:
  - Llamas and alpacas from Chile—
    - Health certification requirements, etc., 10765
    - Lottery, 10765

## Army Department

### NOTICES

- Environmental statements; availability, etc.:
  - Light helicopter family (LHX), 10791

## Arts and Humanities, National Foundation

- See* National Foundation on the Arts and the Humanities

## Christopher Columbus Quincentenary Jubilee Commission

### RULES

- Organization, recognition and support of quincentenary projects, and use of logo, 10870

## Commerce Department

- See* International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service

## Committee for the Implementation of Textile Agreements

### NOTICES

- Cotton, wool, and man-made textiles:
  - China, 10790
- Textile and apparel categories:
  - Correlation with U.S. Tariff Schedules; correction, 10791

## Commodity Credit Corporation

### RULES

- Loan and purchase programs:
  - Emergency feed program, 10725
  - Mohair and shorn wool and unshorn lambs (pulled wool), 10732

## Consumer Product Safety Commission

### NOTICES

- Meetings; Sunshine Act, 10849

## Customs Service

### PROPOSED RULES

- Customs brokers:
  - Licensing examinations; withdrawn, 10774

## Defense Department

- See* Army Department; Navy Department

## Drug Enforcement Administration

### NOTICES

- Applications, hearings, determinations, etc.:*
  - First State Chemical Co. Inc., 10825
    - (2 documents)
  - Mallinckrodt, Inc., 10824
  - Penick Corp., 10825, 10826
    - (2 documents)
  - Stepan Chemical Co., 10826
  - Upjohn Co., 10826

## Economic Regulatory Administration

### NOTICES

- Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
  - San Joaquin Cogen, Inc., 10794

## Education Department

### NOTICES

- Meetings:
  - Education Intergovernmental Advisory Council, 10791

## Employment and Training Administration

### PROPOSED RULES

- Unemployment compensation program:
  - Extended benefit program, 10774

### NOTICES

- Adjustment assistance:
  - Aluminum Co. of Amer. et al., 10829
  - Dana Corp. et al., 10826
  - Emerald Mines Corp. et al., 10827
  - Geissler Knitting Mills, Inc., 10827
  - Tenneco Oil Co., 10827
- Unemployment compensation program; extended benefit periods:
  - Idaho, 10827



Louisiana, 10828  
Wyoming, 10828

### Employment Standards Administration

#### NOTICES

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 10830

### Energy Department

See also Economic Regulatory Administration; Energy Information Administration; Energy Research Office; Federal Energy Regulatory Commission; Western Area Power Administration

#### NOTICES

Nuclear waste management:  
Spent nuclear fuel storage and disposal; nonnuclear weapon states; technical assistance; update, 10792

### Energy Information Administration

#### NOTICES

Agency information collection activities under OMB review, 10795

### Energy Research Office

#### NOTICES

Meetings:  
Basic Energy Sciences Advisory Committee; correction, 10852

### Environmental Protection Agency

#### RULES

Air pollution; standards of performance for new stationary sources:

Concentration calculation equations; revisions and additions and method 18 clarifications  
Correction, 10852

Air quality implementation plans; approval and promulgation; various States:  
North Carolina, 10751

Toxic substances:  
Testing requirements—  
Mesityl oxide, 10752

#### NOTICES

Air programs:  
Ambient air monitoring reference and equivalent methods—

Model UNOR-6N NDIR Analyzer, 10800  
Environmental statements; availability, etc.:

Agency statements—  
Comment availability, 10799  
Weekly receipts, 10799

Toxic and hazardous substances control:  
Premanufacture notices receipts, 10799

### Equal Employment Opportunity Commission

#### NOTICES

Meetings; Sunshine Act, 10849

### Federal Aviation Administration

#### RULES

Airworthiness directives:  
Fairchild, 10735  
Lockheed, 10736  
IFR altitudes, 10737

### Federal Communications Commission

#### RULES

Radio broadcasting:  
Antenna height above average terrain determination, etc.; reclassification of FM facilities, 10757

### Federal Crop Insurance Corporation

#### PROPOSED RULES

Administrative regulations:  
Late planting agreement option, 10764

### Federal Deposit Insurance Corporation

#### NOTICES

Meetings; Sunshine Act, 10849

### Federal Emergency Management Agency

#### RULES

Flood insurance; communities eligible for sale:  
Kansas et al., 10753

#### NOTICES

Agency information collection activities under OMB review, 10800  
(2 documents)

### Federal Energy Regulatory Commission

#### RULES

Natural Gas Policy Act:  
Ceiling prices for high cost natural gas produced from tight formations—  
Texas, 10741

#### NOTICES

Natural gas certificate filings:  
Texas Eastern Transmission Corp. et al., 10796

### Federal Home Loan Bank Board

#### NOTICES

Committees; establishment, renewals, terminations, etc.:  
Federal Savings & Loan Advisory Council, 10801  
Receiver appointments:  
South Florida Savings Bank, 10802  
(2 documents)  
*Applications, hearings, determinations, etc.:*  
Prospect Park Savings & Loan Association, 10801

### Federal Maritime Commission

#### NOTICES

Meetings; Sunshine Act, 10849  
Privacy Act; systems of records, 10802, 10811  
(2 documents)

### Federal Mine Safety and Health Review Commission

#### NOTICES

Meetings; Sunshine Act, 10849, 10850  
(2 documents)

### Federal Register Office

#### NOTICES

Editorial note: For list of libraries that have announced availability of **Federal Register** and Code of Federal Regulations, see Reader Aids carried in Part II of this issue, 10854

### Federal Register, Administrative Committee

See Federal Register Office

### Federal Reserve System

#### RULES

Electronic fund transfers (Regulation E):  
Official staff commentary update, 10732



Equal credit opportunity (Regulation B):  
Official staff commentary update, 10734

#### NOTICES

Federal Reserve Bank services; fee schedules and pricing principles:

- Check collection services, 10812
- Meetings; Sunshine Act, 10850
- Applications, hearings, determinations, etc.:*
  - Austin County Bankshares, Inc., 10813
  - Norwood Associates II et al., 10813

#### Fish and Wildlife Service

##### NOTICES

Atlantic Striped Bass Conservation Act:  
Determinations, etc.—  
District of Columbia, 10783  
New Jersey, 10784

#### Food and Drug Administration

##### NOTICES

Food additive petitions:  
Ajay Chemicals, Inc., 10820

Human drugs:  
New drugs and antibiotic drugs; marketing applications approval; supplementary guidelines; availability, 10819

#### Food Safety and Inspection Service

##### PROPOSED RULES

Meat and poultry inspection:  
Mechanically separated (species); labeling, 10766

#### Health and Human Services Department

*See also* Food and Drug Administration; Health Resources and Services Administration

##### NOTICES

Agency information collection activities under OMB review, 10814

Organization, functions, and authority delegations:  
Public Health Service, 10815  
Social Security Administration, 10815

#### Health Resources and Services Administration

##### NOTICES

Grants and cooperative agreements:  
Community and migrant health centers, 10821

#### Interior Department

*See* Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; National Park Service

#### Internal Revenue Service

##### RULES

Income taxes:  
Foreign sales corporations; foreign management and economic processes requirements, 10741

Real estate transactions; information reporting, 10742

##### PROPOSED RULES

Income taxes:  
Real estate transactions; information reporting; cross reference, 10774

#### International Trade Administration

##### RULES

Export licensing:  
General licenses for exports to cooperating governments and certified end-users (gold card)  
Correction, 10741

#### PROPOSED RULES

##### Export licensing:

International import certificates; removal of district office authority to process, 10771

##### NOTICES

##### Antidumping:

Portland cement, other than white, nonstaining Portland cement, from Dominican Republic, 10786

Precipitated barium carbonate from West Germany, 10787

##### Countervailing duties:

Acetylsalicylic acid (aspirin) from Turkey, 10788

Export trade certificates of review, 10785

##### Meetings:

Semiconductor Technical Advisory Committee, 10786

#### Interstate Commerce Commission

##### NOTICES

Railroad operation, acquisition, construction, etc.:  
Southern Railway Co. et al., 10823

Stone Container Corp., 10824

#### Justice Department

*See also* Drug Enforcement Administration

##### NOTICES

Voting Rights Act certifications:  
Victoria County, TX, 10824

#### Labor Department

*See* Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration

#### Land Management Bureau

##### NOTICES

Environmental statements; availability, etc.:  
Clark County wilderness study areas, NV, 10823

Withdrawal and reservation of lands:  
New Mexico; correction, 10852

#### Mine Safety and Health Administration

##### NOTICES

Safety standard petitions:  
Mid-Continent Resources, Inc., 10831

Minton Hickory Coal Co., 10831

#### Mine Safety and Health Federal Review Commission

*See* Federal Mine Safety and Health Review Commission

#### Minerals Management Service

##### NOTICES

##### Meetings:

Outer Continental Shelf Advisory Board, 10823

#### National Archives and Records Administration

*See* Federal Register Office

#### National Credit Union Administration

##### NOTICES

Meetings; Sunshine Act, 10850  
(2 documents)

#### National Foundation on the Arts and the Humanities

##### NOTICES

Agency information collection activities under OMB review, 10832

##### Meetings:

Expansion Arts Advisory Panel, 10832

Music Advisory Panel, 10832, 10833  
(3 documents)



**National Highway Traffic Safety Administration****PROPOSED RULES**

Motor vehicle safety standards:

Brake fluids, 10775

**NOTICES**

Fuel economy program, automotive; annual report to Congress, 10841

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Atlantic surf clam and ocean quahog, 10763

Gulf of Alaska and Bering Sea and Aleutian Islands groundfish, 10761

Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 10762

Pacific Halibut Commission, International:

Pacific halibut fisheries; U.S. treaty Indian tribes, 10759

**PROPOSED RULES**

Fishery conservation and management:

Gulf of Mexico and South Atlantic spiny lobster, 10780

Northeast multispecies, 10781

**NOTICES**

Atlantic Striped Bass Conservation Act:

Determinations, etc.—

District of Columbia, 10783

New Jersey, 10784

**National Park Service****PROPOSED RULES**

Minerals management:

Mining and mining claims, 10866

**NOTICES**

Meetings:

Appalachian National Scenic Trail Advisory Council, 10823

**National Technical Information Service****NOTICES**

Inventions, Government-owned; availability for licensing, 10789

**Navy Department****RULES**

Navigation, COLREGS compliance exemptions:

Large Harbor Tug YTB-769, 10748

Large Harbor Tug YTB-789, 10749

**Nuclear Regulatory Commission****PROPOSED RULES**

Rulemaking petitions:

Quality Technology Co., 10771

**NOTICES**

Environmental statements; availability, etc.:

Iowa Electric Light & Power Co. et al., 10833

University of New Mexico, 10834

Washington Public Power Supply System, 10834

Meetings:

Reactor Safeguards Advisory Committee, 10835, 10836 (3 documents)

Nuclear Waste Policy Act:

Spent nuclear fuel storage and disposal; nonnuclear weapon states; technical assistance; update, 10792

**Postal Service****RULES**

Domestic Mail Manual:

Miscellaneous amendments, 10749

**Public Health Service**

See Food and Drug Administration; Health Resources and Services Administration

**Securities and Exchange Commission****NOTICES**

Agency information collection activities under OMB review, 10836, 10841

(2 documents)

Meetings; Sunshine Act, 10850

Self-regulatory organizations; proposed rule changes:

New York Stock Exchange, Inc., 10836

Options Clearing Corp., 10838

*Applications, hearings, determinations, etc.:*

Flag Investors Corporate Cash Trust, 10840

Portland General Electric Co., 10839

**Tennessee Valley Authority****PROPOSED RULES**

Freedom of Information Reform Act; implementation, 10772

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile Agreements

**Transportation Department**

See Federal Aviation Administration; National Highway

Traffic Safety Administration; Urban Mass

Transportation Administration

**Treasury Department**

See also Customs Service; Internal Revenue Service

**NOTICES**

Agency information collection activities under OMB review, 10848

Tax treaties, income; various countries:

West Germany, 10848

**Urban Mass Transportation Administration****NOTICES**

Financial capacity (grant program circular); availability, etc., 10847

**Western Area Power Administration****NOTICES**

Power marketing plans, etc.:

Pick-Sloan Missouri Basin Program-Western Division and Fryingpan-Arkansas Project; correction, 10798

**Separate Parts In This Issue****Part II**

Office of the Federal Register, 10854

**Part III**

Department of the Interior, National Park Service, 10866

**Part IV**

Christopher Columbus Quincentenary Jubilee Commission, 10870



**Reader Aids**

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**7 CFR**

713.....	10725
717.....	10725
724.....	10725
725.....	10725
726.....	10725
770.....	10725
907.....	10728
910.....	10729
1097.....	10729
1137.....	10730
1468.....	10731
1472.....	10731
1475.....	10725

**Proposed Rules:**

400.....	10764
----------	-------

**9 CFR****Proposed Rules:**

92 (2 documents).....	10765
317.....	10766
319.....	10766

**10 CFR****Proposed Rules:**

50.....	10771
---------	-------

**12 CFR**

202.....	10732
205.....	10734

**14 CFR**

39 (2 documents).....	10735, 10736
95.....	10737

**15 CFR**

371.....	10741
----------	-------

**Proposed Rules:**

368.....	10771
----------	-------

**18 CFR**

271.....	10741
----------	-------

**Proposed Rules:**

1301.....	10772
-----------	-------

**19 CFR****Proposed Rules:**

111.....	10774
----------	-------

**20 CFR****Proposed Rules:**

615.....	10774
----------	-------

**26 CFR**

1 (2 documents).....	10741, 10742
602.....	10742

**Proposed Rules:**

1.....	10774
602.....	10774

**32 CFR**

706 (2 documents).....	10748, 10749
------------------------	-----------------

**36 CFR****Proposed Rules:**

9.....	10866
--------	-------

**39 CFR**

111.....	10749
----------	-------

**40 CFR**

52.....	10751
60.....	10852
799.....	10752

**44 CFR**

64.....	10753
---------	-------

**45 CFR**

2201.....	10870
-----------	-------

**47 CFR**

73.....	10757
---------	-------

**49 CFR****Proposed Rules:**

571.....	10775
----------	-------

**50 CFR**

301.....	10759
611.....	10761
642.....	10762
652.....	10763
672.....	10761
675.....	10761

**Proposed Rules:**

640.....	10780
651.....	10781



# Rules and Regulations

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### Commodity Credit Corporation

7 CFR Parts 713, 717, 724, 725, 726, 770 and 1475

#### Marketing Quotas and Acreage Allotments and Special Programs; Referenda Challenges or Disputes, Tobacco, and Commodity Certificates, in Kind Payments and Other Forms of Payment

**AGENCY:** Commodity Credit Corporation ("CCC"), and Agricultural Stabilization and Conservation Service ("ASCS"), USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts as final, with minor changes, five interim rules which were published in the Federal Register on March 28, 1986 (51 FR 10809); June 19, 1986 (51 FR 22268); August 12, 1986 (51 FR 28803); October 28, 1986 (51 FR 39479); and December 3, 1986 (51 FR 43579). These interim rules are applicable to: Price support and production adjustment programs for the 1987 and subsequent crops of feed grains, rice, cotton and wheat; the holding of referenda; acreage allotments and marketing quotas for flue-cured, burley and minor kinds of tobacco; the transferability of commodity certificates; and implementation of the emergency feed program.

**EFFECTIVE DATE:** April 2, 1987.

#### FOR FURTHER INFORMATION CONTACT:

With respect to: the March 28, 1986 and June 19, 1986 interim rules: Donald M. Blythe, Agricultural Program Specialist, Tobacco and Peanuts Division, (202) 382-0200; the August 12, 1986 interim rule: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, (202) 447-5621; the October 28, 1986 interim rule: Raymond

K. Aldrich, Agricultural Program Specialist, Cotton, Grain, and Rice Price Support Division, (202) 447-6688; the December 3, 1986 interim rule: Jackie Stonfer, Agricultural Program Specialist, Cotton, Grain, and Rice Price Support Division, (202) 447-8481. The mailing address of the above individuals is USDA, ASCS, P.O. Box 2415, Washington, DC 20013.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major". It has been determined that this rule will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Impact Analyses prepared for the 1986 crops of wheat, feed grains, cotton and rice and the Regulatory Impact Analyses which is being prepared in connection with the determinations for the 1987 crops of such commodities adequately addresses the issues raised by this final rule. Copies of the analyses will be available to the public from Director, Commodity Analysis Division, Agricultural Stabilization and Conservation Service, USDA, ASCS, P.O. Box 2415, Washington, DC 20013.

The titles and numbers of the Federal assistance programs to which this interim rule applies are: Commodity Loan and Purchases—10.051; Cotton Production Stabilization—10.052; Feed Grain Production Stabilization—10.055; Wheat Production Stabilization—10.058; Rice Production Stabilization—10.065; Emergency Feed Program—10.066; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since neither the Agricultural Stabilization and Conservation Service ("ASCS") nor the Commodity Credit Corporation ("CCC") is required by 5 U.S.C. 553 or any other provision of law to publish a notice of

proposed rulemaking with respect to the subject matter of this rule.

A draft environmental impact statement pertaining to agricultural acreage adjustment programs has been prepared. Further information is available from Phillip Yasnowsky, Program Analysis Division, ASCS, USDA, P.O. Box 2415, Washington, DC 20013; (202) 447-7887. It has been determined by an environmental evaluation that other program actions contained herein will have no significant effect on the quality of the environment; therefore, neither an environmental assessment nor an Environmental Impact Statement are needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The Office of Management and Budget has approved the information collection requirements contained in these regulations under the provisions of 44 U.S.C. Chapter 35 and OMB Numbers 0560-0030, 0560-0071, 0560-0091, and 0560-0650 have been assigned.

#### Summary of Comments and Changes in the Interim Rules

7 CFR Parts 713, 717, 724, 725, 726, and 770

No comments were received with respect to the regulations in these Parts.

#### 7 CFR Part 1475

One comment was received with respect to this interim rule. As discussed below, the comment expressed concern about the definition of eligible livestock with respect to the kinds of horses which qualify the owner thereof to obtain assistance under the program. This comment is on file and available for public inspection in Room 4905-South Building, 14th and Independence Avenue, SW., Washington, DC 20013.

#### 1. March 28, 1986 Interim Rule

This interim rule provided that, with respect to certain commodities, eligible producers may vote in a referendum to determine whether marketing quotas will be in effect for those commodities. If more than the statutorily specified number of producers voting in a referendum conducted for a commodity



disapprove marketing quotas, marketing quotas will not be in effect. The Agricultural Act of 1949, as amended (the "1949 Act"), provides that, with respect to certain commodities, price support will not be available for such commodities if marketing quotas have been disapproved. Previously, the regulations found at 7 CFR 717.16 provided for a 3 day period during which any challenge or dispute with respect to the correctness of the summary of a marketing quota referendum conducted at polling places must be brought to the attention of the county committee. The interim rule amended 7 CFR 717.16 to provide a similar period for notifying the county committee of any challenge or dispute with respect to the canvassing of ballots or tabulating referendum results when a marketing quota referendum is conducted by mail.

Since eligible burley tobacco producers were to vote in a marketing quota referendum to be conducted by mail ballot between March 24, 1986 and March 27, 1986, it was determined that the interim rule would become effective March 28, 1986. The public was given 30 days to submit written comments.

#### 2. June 19, 1986 Interim Rule

The Food Security Act of 1985 (the "1985 Act") provides that the Secretary of Agriculture shall implement a Conservation Reserve Program for the 1986 through 1990 crop years, with the Secretary entering into contracts of not less than 10 or more than 15 years to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms. Section 1236 of the 1985 Act requires a reduction in the aggregate of the crop acreage bases, quotas, and allotments with respect to farms participating in the Conservation Reserve Program. The interim rule amended the regulations at 7 CFR Parts 724, 725, and 726 to provide that acreage converted from the production of tobacco due to the participation of the owner or operator of a farm in the Conservation Reserve Program shall be considered planted to tobacco for purposes of preserving acreage allotment and marketing quota history for use in determining future acreage allotments and marketing quotas.

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("the Reconciliation Act") amended section 319(g) of the Agricultural Adjustment Act of 1938, as amended ("the 1938 Act"), to authorize the approval of certain burley tobacco lease and transfer agreements that are filed after July 1 of a crop year and also amended

sections 317(g) and 319(i) of the 1938 Act to reduce from 110 percent to 103 percent of the effective farm marketing quota, the quantity of burley and flue-cured tobacco, respectively, that may be marketed without incurring a marketing quota penalty. The interim rule amended the regulations at 7 CFR Parts 725 and 726 to incorporate these changes. Prior to their amendment by the interim rule, the regulations at 7 CFR 725.72(e)(4) generally provided that an agreement to lease and transfer a flue-cured tobacco acreage allotment and marketing quota must be filed by April 15 in order to be approved by the county ASC committee. The Reconciliation Act, approved April 7, 1986, changed the method of determining the national acreage allotment and marketing quota for flue-cured tobacco. Accordingly, this change delayed the establishment of farm acreage allotments and marketing quotas. Therefore, flue-cured tobacco farmers did not receive notices of their acreage allotments and marketing quotas in time to file their lease and transfer agreements by April 15. In order to alleviate this problem, this interim rule extended from April 15 to May 30 the final date for filing an agreement to lease and transfer flue-cured tobacco acreage allotments and marketing quotas.

#### 3. August 12, 1986 Interim Rule

This interim rule amended CCC's program for emergency feed with respect to: (1) Accepting applications for assistance; (2) increases in the maximum cost share amount of assistance; (3) making poultry eligible for assistance; (4) eligibility requirements for a producer to obtain assistance; (5) making payments in the form of commodity certificates; and (6) other changes of an administrative nature.

The Department received one comment regarding the definition of livestock with respect to the kinds of horses which qualify the owner thereof to obtain assistance under the program. The comment expressed concern that horse breeders, by virtue of the interim rule, are denied the same current and future assistance their counterparts in cattle, sheep, goats, swine, and poultry operations receive. Under the Emergency Feed Program, CCC will share with owners of eligible livestock producers the cost of purchasing feed, including hay, for their livestock, including horses and mules. To be considered eligible livestock under the provisions of the interim rule, horses and mules were limited to those used in the production of food and fiber and those kept for breeding of animals to be

used in the production of food and fiber. This determination was made on the basis that the Emergency Feed Program, like other agricultural programs, is related to the production of food and fiber. Therefore, this provision of the interim rule has not been changed.

As stated in the interim rule, the information collection requirements of this Part 7 CFR Part 1475 were submitted to the Office of Management and Budget (OMB) for the purposes of the Paperwork Reduction Act and it was anticipated that an OMB Number would be assigned. This final rule will add a new § 1475.69 to include the OMB Control numbers assigned pursuant to the Paperwork Reduction Act.

#### 4. October 28, 1986 Interim Rule

This interim rule amended 7 CFR Part 713 to implement certain provisions of the 1987 production adjustment and price support programs that would be in effect for the 1987 crops of wheat, feed grains, cotton and rice. The major provisions of this interim rule were as follows:

(a) Section 505 of the 1949 Act requires the establishment of farm acreage bases and provides the Secretary with discretionary authority to adjust such bases for the 1987 and subsequent crop years. Accordingly, § 713.11(a) was amended to provide that adjustments will be permitted only as determined and announced by the Secretary.

(b) Sections 101A, 103A, 105C, and 107D of the 1949 Act provides discretionary authority for the Secretary to implement a "limited cross compliance" requirement as a condition of eligibility for loans, purchases, or payments. To provide greater flexibility in alleviating of shortages which may occur with respect to a particular program crop when limited cross compliance is in effect, § 713.100(a) is amended to allow the Secretary to exclude specified commodities from this requirement. Therefore, this change allows the Secretary to implement a "limited cross compliance" requirement with respect to program crops as may be deemed necessary. On February 27, 1987 the Secretary announced the removal of oats from the cross compliance requirement. Accordingly, § 713.100(a) is amended to set forth the terms of the "limited cross compliance" requirement.

(c) The Food Security Act of 1985 (the 1985 Act) amended section 335 of the Consolidated Farm and Rural Development Act with respect to farmland owned by the Farmers Home Administration (FmHA). Compliance by the Secretary with the provisions of



section 335(e) shall not cause any acreage allotment, marketing quota, or acreage base assigned to such property to lapse, terminate, be reduced or otherwise be adversely affected. Accordingly, § 713.3(e) was amended to provide that considered planted credit be provided on farms owned by FmHA, as necessary, to protect the crop acreage bases on such farms.

(d) To alleviate inequities regarding considered planted credit for acreages of conserving uses designated for a crop, § 713.3(e)(2)(vii) was amended to provide that considered planted credit may be approved only if producers on the farm have not violated any cross compliance requirements in effect for the crop year and have not planted an acreage of any program crop in excess of the crop acreage base for such program crop. This section was inadvertently amended to provide that considered planted credit may be approved regardless of whether or not any acreage of the crop is planted. Accordingly, this section is amended to provide such credit only if no acreage of the crop is planted.

(e) The 1985 Act provided no authority to change or adjust yields established for the 1985 or previous crop years. However, determination of farm program payment yields established after December 23, 1985 may be appealed in accordance with 7 CFR Part 780. Accordingly, § 713.155 was amended to clarify that farm program payment yields established before enactment of the 1985 Act are not appealable.

(f) The Extra Long Staple Cotton Act of 1983 authorized a special reserve for adjusting acreage bases established for extra long staple cotton through the 1986 crop year. Accordingly, § 713.11(d) which provided for such reserve was deleted.

(g) The 1985 Act provides discretionary authority for the implementation of certain cost reduction options. Although the Secretary announced on June 30, 1986 that such options would not be exercised at that time, authority is provided to implement the bid diversion program option at any time prior to harvest. Accordingly, § 713.58 was added to provide for the implementation of a bid diversion program should it be determined necessary.

(h) Section 713.2 was amended to clarify that contracts to participate in the wheat, feed grains, cotton and rice programs may be executed by representatives of CCC only in accordance with the terms and conditions determined and announced by the Executive Vice President, CCC.

(i) Section 713.3(d) was amended to provide that State committees may authorize haying of conserving use acreage only after consulting with interested parties. If haying is not authorized, acreages which are hayed shall be considered to be nonprogram crop acreages. This was intended to apply only to conserving use acreage designated to a program crop for payment purposes under § 713.108 (b)(2). Accordingly, this section is amended to clarify the original intent.

(j) Section 713.63(a) was amended to provide that State committees may authorize grazing of ACR acreage only after consulting with interested parties and, if authorized, to establish a 5 month nongrazing period applicable to such acreage.

(k) Section 713.63(c)(2) was amended to provide that participating producers may charge fees for hunting and fishing on ACR acreage.

#### 5. December 3, 1986 Interim Rule

This interim rule amended the regulations at 7 CFR Part 770 to provide the following: (1) producers who have commodity certificates issued prior to November 17, 1986, may transfer such certificates through the expiration date shown thereon; and (2) producers who have commodity certificates, issued on or after November 17, 1986, may transfer the commodity certificates through the expiration date thereon and may, during the period starting the first day of the sixth month after the month in which the certificate was issued through the expiration date, submit the certificate to CCC for payment by check.

On October 24, 1986, the Secretary of Agriculture announced that a portion of the advance deficiency payments made with respect to the 1987 wheat, feed grain, upland cotton and rice programs would be made in the form of commodity certificates. In order to provide uniform treatment of all producers who will receive such certificates, it was determined that this interim rule should become effective on the date of filing with the Office of Federal Register.

#### List of Subjects

##### 7 CFR Part 713

Wheat, Feed grains, Cotton, Rice and related programs.

##### 7 CFR Part 717

Marketing quotas, Holding of referenda.

##### 7 CFR Parts 724, 725, and 726

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

##### 7 CFR Part 770

Wheat, Feed grains, Cotton, Rice and related programs.

##### 7 CFR Part 1475

Animal feed, Disaster assistance, Grant programs—Agriculture, Livestock.

#### Final Rule

Accordingly the regulations found at parts 713, 717, 724, 725, 726, 770 and 1475 of Chapters VII and XIV of Title 7 of the Code of Federal Regulations are amended as follows:

1. The interim rule published at 51 FR 10609, March 28, 1986, amending Part 717, is hereby adopted as a final rule without change.

2. The interim rule published at 51 FR 22268, June 19, 1986, amending Parts 724, 725 and 726, is hereby adopted as a final rule without change.

3. The interim rule published at 51 FR 43579, December 3, 1986, amending Part 770, is hereby adopted as a final rule without change.

4. The interim rule published at 51 FR 39479, October 28, 1986, amending Part 713, is hereby adopted as a final rule with the following changes:

#### PART 713—[AMENDED]

2. Section 713.3 is amended by revising (d)(1)(v) and (e)(2)(vii) to read as follows:

##### § 713.3 Definitions.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(v) In a State where the State committee, after consulting with interested parties, has determined that haying of conserving use acreage designated to a program crop for payment purposes under § 713.108(b)(2) shall not be permitted, any acreage which is harvested for green chop, hay, silage, or haylage.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(vii) For farms for which the acreage report filed in accordance with Part 718 of this chapter reflects zero acreage of the crop and which are not participating in a set-aside, acreage



reduction, or diversion program for the crop, the acreage of nonprogram crops and conserving uses credited to the crop in accordance with § 713.102, provided that, in accordance with instructions issued by the Deputy Administrator, producers on the farm are not in violation of any cross compliance requirement in effect in accordance with § 1713.100 and such producers have not planted an acreage of a program crop in excess of the acreage base established for such program crop for the farm.

3. Section 713.100 is amended by revising (a) to read as follows:

**§ 713.100 Cross compliance on the farm.**

(a) Whenever an acreage reduction program is announced by the Secretary and the Secretary also announces that a limited cross compliance requirement will be in effect, as a condition of eligibility for loans, purchases and payments with respect to any crop of a commodity enrolled in the acreage reduction program, producers on a farm shall not plant an acreage of another commodity in excess of the crop acreage base established for that commodity for the farm, except as otherwise announced by the Secretary.

5. The interim rule published at 51 FR 28803, August 12, 1986, amending Part 1475, is hereby adopted as a final rule with the following change:

**PART 1475—[AMENDED]**

1. The authority citation for 7 CFR Part 1475—Emergency Feed Program continues to read as follows:

**Authority:** Section 1105 of the Food and Agriculture Act of 1977, 91 Stat. 955, as amended (7 U.S.C. 2267).

2. A new § 1475.69 is added to read as follows:

**§ 1475.69 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.**

The information collection requirements contained in these regulations (7 CFR Part 1475) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and OMB number 0560-0029 has been assigned.

Signed at Washington, DC on March 30, 1987.

Milton J. Hertz,

*Executive Vice President, Commodity Credit Corporation and Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 87-2235 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-05-M

**Agricultural Marketing Service**

**7 CFR Part 907**

[Navel Orange Reg. 654]

**Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 654 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period April 3, 1987, through April 9, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

**DATE:** Regulation 654 (§ 907.954) is effective for the period April 3, 1987, through April 9, 1987.

**FOR FURTHER INFORMATION CONTACT:** James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202-447-5697.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This rule is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is found

that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1986-87 adopted by the Navel Orange Administrative Committee. The committee met publicly on March 31, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by a 9 to 2 vote a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for navel oranges is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. To effectuate the declared purposes of the act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

**List of Subjects in 7 CFR Part 907**

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

**PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

1. The authority citation for 7 CFR Part 907 continues to read:

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 907.954 Navel Orange Regulation 654 is added to read as follows:

**§ 907.954 Navel Orange Regulation 654.**

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 3, 1987, through April 9, 1987, are established as follows:

- (a) *District 1:* 1,709,234 cartons;
- (b) *District 2:* Unlimited cartons;
- (c) *District 3:* Unlimited cartons;
- (d) *District 4:* Unlimited cartons.



Dated: April 1, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 87-7559 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 910

[Lemon Reg. 555]

### Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service,  
USDA.

ACTION: Final rule.

**SUMMARY:** Regulation 555 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 340,000 cartons during the period April 5-11, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 555 (§ 910.855) is effective for the period April 5-11, 1987.

**FOR FURTHER INFORMATION CONTACT:** James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674). This action is based upon

the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986-87. The committee met publicly on March 31, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by a 10 to 3 vote a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of this Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

## List of Subjects in 7 CFR Part 910

Marketing agreements and orders,  
California, Arizona, and Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.855 is added to read as follows:

#### § 910.855 Lemon Regulation 555.

The quantity of lemons grown in California and Arizona which may be handled during the period April 5 through April 11, 1987, is established at 340,000 cartons.

Dated: April 1, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 87-7558 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 1097

### Milk in the Memphis, TN, Marketing Area; Order Suspending a Certain Provision

AGENCY: Agricultural Marketing Service,  
USDA.

ACTION: Suspension of a rule.

**SUMMARY:** This action suspends the pool supply plant provision of the Memphis, Tennessee milk order for the months of March through December 1987. The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that is making supplemental shipments of milk to meet increased fluid milk needs of bottling plants that are regulated under the Memphis order. The milk supply that Mid-Am has available to meet such increasing need for milk in fluid uses at Memphis is milk received at supply balancing plants which handle reserve milk supplies associated with distributing plants that are regulated under other Federal order. The greater shipments needed at Memphis in the next few months would result in the reserve plants and milk supplies associated with such plants becoming regulated under the individual-handler pool Memphis order. This would result in a reduction of returns to Mid-Am's producers and disrupt the normal association of such dairy farmers' milk with other Federal orders. The suspension will permit the reserve milk supplies and supplemental shipments for fluid milk needs to continue to be regulated under the orders with which the milk is currently associated and also facilities making supplemental supplies of milk available to Memphis distributing plants for fluid use.

**EFFECTIVE DATE:** April 3, 1987, for the month of March-December 1987.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovics, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2089.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

*Notice of Proposed Suspension:* Issued March 11, 1987; published March 16, 1987 (52 FR 8075).

The Regulatory Flexibility Act (5 U.S.C. 601 through 612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities.



Such action tends to ensure that dairy farmers will continue to have their milk regulated and priced under the order for the market which is the primary outlet for their milk and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674), and of the order regulating the handling of milk in the Memphis, Tennessee marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on March 16, 1987 (52 FR 8075) concerning a proposed suspension of a certain provision of the order. Interested persons were given an opportunity to file written data, views, and arguments thereon. No views opposing this action were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of March through December 1987 the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1097.7, paragraph (b) in its entirety.

#### Statement of Consideration

This action makes inoperative, for the months of March-December 1987, that portion of the fluid milk plant definition that pertains to a supply plant. The order currently regulates a plant that ships more than 70,000 pounds of milk to pool distributing plants during the month.

The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that is making supplemental shipments of milk to meet the increasing fluid milk needs of bottling plants regulated under the Memphis order. The shipments are necessary because of an increase in fluid milk sales by Memphis plants and a decrease in production in those areas that normally supply the Memphis market.

The most feasible milk supply that Mid-Am has available to meet the greater fluid milk needs of Memphis handlers is located in the heavy southwest Missouri production area. However, milk produced in that area is associated with supply plants and reserve processing plants that are regulated under the Southern Illinois, Southwest Plains and Texas Federal orders. These plants are qualified for pool status under the respective orders either on the basis of shipments from such plants to distributing plants and/or by Mid-Am's marketwide performance

in supplying direct-shipped milk from farms to distributing plants. Greater shipments from such plants would result in the regulation of one or more of the cooperative's plants under the Memphis order.

Since the Memphis order provides for individual-handler pooling, regulation of Mid-Am's reserve plants under that order would result in a reduction of returns to the cooperative's producers since the reserve milk supplies for other Federal order markets would also be regulated under the Memphis order. The suspension action will permit the reserve milk supplies and the supplemental shipments for fluid purposes to continue to be regulated under the respective orders with which the milk is currently associated and also facilitate making supplemental supplies of milk available to Memphis handlers for fluid use.

Mid-Am has been relying on the southwest Missouri production areas to supply Memphis handlers at least since September 1986. Since that time, a shift in the regulation of the cooperative's plants has been avoided by a suspension of the Memphis supply plant provision during October-December 1986 and by alternating the plants from which milk is shipped to Memphis distributing plants since the suspension expired. A greater and continuing reliance on such supplemental shipments will be necessary during March-December 1987. Thus, this action suspends the provision for the remainder of 1987.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing in that it will ensure that dairy farmers will continue to have their milk regulated and priced under the order covering the market which is the primary outlet for their milk and thereby receive the benefits that accrue from such pooling and pricing;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this proposal to suspend. No comments in opposition to this action were received.

Therefore, good cause exists for making this order effective upon publication in the *Federal Register*.

#### List of Subjects in 7 CFR Part 1097

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provision of § 1097.7 of the Memphis, Tennessee order is hereby suspended for the months of March-December 1987 as follows:

#### PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

1. The authority citation for 7 CFR Part 1097 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

#### § 1097.7 [Suspended in part]

2. Paragraph (b) of § 1097.7 is suspended in its entirety.

*Effective date:* Upon publication in the *Federal Register* for the months of March-December 1987.

Signed at Washington, DC, on March 30, 1987.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 87-7358 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 1137

#### Milk in the Eastern Colorado Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

**SUMMARY:** This action continues to suspend through September 1987 portions of the Eastern Colorado Federal milk order that relate to the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Also suspended for the same period is the "touch-base" requirement that each producer's milk be received at least three times each month at a pool distributing plant. Continued suspension of the provisions was requested by a cooperative association representing producers supplying the market in order to prevent uneconomic movements of milk.

**EFFECTIVE DATE:** April 3, 1987.

**FOR FURTHER INFORMATION CONTACT:** Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.



**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

*Notice of Proposed Suspension:* Issued February 26, 1987; published March 4, 1987 (52 FR 6579).

The Regulatory Flexibility Act (5 U.S.C. 601 through 612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on March 4, 1987 (52 FR 6579) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments opposing the proposed suspension were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of March through September 1987 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant".

2. In the second sentence of § 1137.12(a)(1), the words "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of" and "distributing".

#### Statement of Consideration

This action continues for the months of March through September 1987 suspension of the limit on the amount of producer milk that a cooperative association may divert from pool plants to nonpool plants, and the requirement that three deliveries of each producer's milk be received at a pool distributing plant each month. Earlier actions suspended these provisions for the months of September 1985 through February 1987.

The order provides that a cooperative may divert a quantity of milk not in excess of 30 percent of the cooperative association's member milk received at pool distributing plants in the months of March, April, May, June, July and December, and 20 percent in other months. The suspension allows up to 50 percent of a cooperative's member milk supply to be diverted to nonpool plants and remain eligible to share in the marketwide pool.

The continued suspension was requested by Mid-America Dairymen, Inc., (Mid-Am) a cooperative association of producers supplying the market. Mid-Am also requested the earlier suspensions. The cooperative association stated that the volume of producer milk pooled on the Eastern Colorado order began to increase following the conclusion of the Milk Diversion Program in 1985, and continued to increase during 1986. According to the cooperative, Eastern Colorado producer milk increased 12.7 percent over the previous year during 1985, and 5.8 percent from 1985 to 1986. Producer milk used in Class I increased only 1.8 percent from 1984 to 1985, and did not change from 1985 levels in 1986. Mid-Am stated that milk production continues to be above 1985 levels in the Eastern Colorado milkshed due to a mild winter in that area, and is expected to continue to remain above those levels through the spring and summer months. Mid-Am stated that as a result of continued high levels of milk production, there are ample supplies of local milk available to meet the fluid requirements of Denver-area distributing plants. The cooperative estimated that approximately 15 loads of producer milk produced in Kansas and Nebraska would have to be shipped to Eastern Colorado pool distributing plants each month in order to qualify Mid-Am producers for continued pool status. The cooperative stated that these shipments would displace Denver-area milk, which would have to be moved to surplus handling plants. Both movements, according to Mid-Am, would represent uneconomic movements of milk. Without the requested continued suspension, the cooperative expects to incur substantial unnecessary costs for the movement of its milk solely for the purpose of pooling the milk of its members currently associated with the Eastern Colorado market.

No comments in opposition to the proposed action were received. Comments supporting the proposed action were filed by Mountain Empire Dairymen's Association (MEDA), a cooperative association representing most of the producers pooled under the

order. Mid-Am also filed comments that supported the suspension.

Milk production is slightly above year-earlier levels, when suspension of the same provisions was also necessary. Consequently, a greater proportion of the available milk supplies will have to be shipped to manufacturing plants for surplus uses than would be allowable under the order's diversion limits. Favorable weather conditions and ample feed supplies provide strong indications that the current production trends will continue, without offsetting increases in Class I use. In view of these circumstances, it is concluded that the suspension of the diversion limits and "touch-base" requirements of the Eastern Colorado milk order should be continued for the months of March through September 1987 to ensure the orderly marketing of milk supplies. The suspension will prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without extensive unnecessary and expensive hauling and handling substantial quantities of milk from producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views in opposition to this action were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

#### List of Subjects in 7 CFR Part 1137

Milk marketing orders, Milk, Dairy products.

*It is therefore ordered,* That the following provisions of § 1137.12(a)(1) of the Eastern Colorado order are hereby suspended for the months of March through September 1987:



## PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. The authority citation for 7 CFR Part 1137 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

### § 1137.12 [Amended]

2. In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant" are suspended.

3. In the second sentence of § 1137.12(a)(1), the words "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of" and "distributing" are suspended.

Signed at Washington, DC, on March 30, 1987.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 87-7357 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-02-M

## Commodity Credit Corporation

### 7 CFR Parts 1468 and 1472

#### Mohair and Shorn Wool and Unshorn Lamb (Pulled Wool); Loans and Payment Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule; extension of comment period and correction.

**SUMMARY:** The comment period on the Interim Rule relating to the price support programs for mohair and wool published on February 11, 1987 (52 FR 4275) which expires on April 13, 1987 is extended an additional 30 days to allow time for comments to be received.

In addition to extending the comment period, a correction is being made to correct an error in one of the amendments to Part 1472.

**DATES:** Comments on the interim rule are being extended from April 13, 1987 to May 13, 1987. Comments must be received on or before May 13, 1987, in order to be assured of consideration.

**ADDRESS:** Send comments on the interim rule to: Director, Emergency Operations and Livestock Programs Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to the rule will be made available for further inspection in Room 4095 South Building, USDA, between the hours 8:15 a.m. and 4:45 p.m., Monday thru Friday.

**FOR FURTHER INFORMATION CONTACT:** Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447-5621.

### SUPPLEMENTARY INFORMATION:

#### Extension of Deadline for Comments

The current 60 day comment period on the Interim Rule that was published in the *Federal Register* at 52 FR 4275 on Wednesday, February 11, 1987 (FR Doc. 87-2708) expires on April 13, 1987. The Interim Rule amended the regulations at 7 CFR Parts 1468 and 1472 with respect to a producer's eligibility for price support payments for mohair and wool, respectively, and made certain minor changes. This document extends the comment period for that interim rule for an additional 30 days to allow citizens as well as Federal, State and local officials ample time to comment on the interim rule.

#### Correction

FR Doc. 87-2708, published at 52 FR 4275, is corrected as follows:

On page 4277, middle column, amendatory language item 7, is corrected to read:

"7. Section 1472. 1507(c) is amended by removing paragraph (c) (3) and (4), and by revising paragraph (c) (1) and (2) to read as follows:"

Issued at Washington, DC, on March 31, 1987.

Milton J. Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87-7278 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-05-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 202

[Reg. B; EC-1]

#### Equal Credit Opportunity; Official Staff Commentary Update

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

**SUMMARY:** The Board is publishing in final form revisions to the official staff commentary to Regulation B (Equal Credit Opportunity). The commentary applies and interprets the requirements of Regulation B and is a substitute for individual staff interpretations of the regulation. The revisions address

questions that have arisen about the regulation, and include new material and changes in existing material

**EFFECTIVE DATE:** April 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Hurt or Leonard Chanin, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452-3867 or 452-3667; for the hearing impaired only, Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** (1) *General.* The Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*) makes it unlawful for creditors to discriminate in any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, age, receipt of public assistance, or the exercise of rights under the Consumer Credit Protection Act. This statute is implemented by the Board's Regulation B (12 CFR Part 202).

On November 20, 1985, an official staff commentary interpreting the regulation was published along with the final rule revising Regulation B (50 FR 48018). The commentary is designed to provide general guidance to creditors in applying the regulation to specific transactions.

Periodic updates provide the vehicle for additional staff interpretations that may be necessary as new questions arise (although each unique situation cannot be individually addressed in the commentary). This notice contains the first update, which was proposed for comment on December 2, 1986 (51 FR 43371). The revisions are effective on April 1, 1987.

(2) *Explanation of revisions.* Following is a brief description of the revisions to the commentary:

#### Section 202.2—Definitions.

##### 2(f) Application

A cross reference to comment 9(a)(1)-(3) has been added to comment 2(f)-5. Comment 2(f)-5 is a general statement of a creditor's duty to exercise reasonable diligence in obtaining information from applicants or third parties in connection with an application for credit. Because a creditor may deny an application on the basis of incompleteness, the new cross reference helps clarify the relationship between this comment and the treatment of incomplete applications.

##### 2(z) Prohibited Basis

Editorial changes have been made to the first and second sentences of



comment 2(z)-1 for clarity. No substantive change is intended.

### Section 202.3—Limited Exceptions for Certain Classes of Transactions.

#### 3(a) Public-Utilities Credit

New comment 3(a)-3 has been added to explain that only telephone companies that are regulated by or that file certain information with a government unit qualify for the public utilities exceptions available under § 202.3(a)(2). The words "required to" were deleted in the final comment to conform to the regulation.

### Section 202.9—Notifications.

#### 9(a) Notification of Action Taken, ECOA Notice, and Statement of Specific Reasons

##### Paragraph 9(a)(1)

New comment 9(a)(1)-3 has been added to explain that a creditor may deny an application missing information from the applicant on the basis of incompleteness. Existing comments 9(a)(1)-3 through 9(a)(1)-6 are redesignated as comments 9(a)(1)-4 through 9(a)(1)-7, respectively.

### Section 202.13—Information For Monitoring Purposes.

#### 13(a) Information to Be Requested

New comment 13(a)-5 has been added to address transactions not covered by the data collection requirements of § 202.13(a). Based on suggestions made by commenters, the final comment clarifies that the test for determining whether an application is covered by § 202.13(a) focuses on the purpose of the transaction. For example, second mortgages and open-end home equity lines obtained primarily for a purpose other than the purchase or refinancing of an applicant's principal residence are not covered by § 202.13(a). Existing comment 13(a)-5 is redesignated as comment 13(a)-6.

### Appendix B—Model Application Forms

Comments 1 and 2 to Appendix B have been revised to address the proper use of two mortgage application forms issued in October 1986 by the Federal Home Loan Mortgage Corporation (FHLMC) and the Federal National Mortgage Association (FNMA). The two forms—FHLMC 65/FNMA 1003 and FHLMC 703/FNMA 1012—contain a section for collecting the monitoring information required by section 202.13. The forms do not, however, differentiate between transactions that are covered by § 202.13(a), which limits data collection to applications for credit primarily for the purchase or refinancing

of an applicant's principal residence, and other transactions in which collection is required for certain creditors by an enforcement agency under the substitute monitoring provisions of § 202.13(d). The residential loan application is typically used for second mortgages as well as the more limited class of mortgage loans covered by § 202.13(a) of the regulation, for example.

Revised comments 1 and 2 provide that creditors which are governed solely by § 202.13(a) should delete, strike, or modify the "Information for Government Monitoring Purposes" section when using the FHLMC/FNMA forms in transactions in which they are not permitted to collect the information. Other creditors may use the forms as issued in compliance with their enforcement agency's substitute monitoring program.

### List of Subjects in 12 CFR Part 202

Banks; Banking; Civil rights; Consumer protection; Credit; Federal Reserve System; Marital status discrimination; Minority groups; Penalties; Religious discrimination; Sex discrimination; Women.

(3) *Text of revisions.* The revisions to the commentary (12 CFR Part 202, Supp. I) read as follows:

### PART 202—[AMENDED]

#### Supplement I—Official Staff Commentary

### Section 202.2—Definitions.

#### 2(f) Application.

5. *Completed Application—diligence requirement.* The regulation defines a completed application in terms that give a creditor the latitude to establish its own information requirements. Nevertheless, the creditor must act with reasonable diligence to collect information needed to complete the application. For example, the creditor should request information from third parties, such as a credit report, promptly after receiving the application. If additional information is needed from the applicant, such as an address or telephone number needed to verify employment, the creditor should contact the applicant promptly. (But see comment 9(a)(1)-3, which discusses the creditors's option to deny an application on the basis of incompleteness.)

#### 2(z) Prohibited basis.

1. *Persons associated with applicant.* "Prohibited basis" as used in this regulation refers not only to certain characteristics—the race, color, religion, national origin, sex, marital status, or age—of an applicant (or officers of an applicant in the case of a

corporation) but also to the characteristics of individuals with whom an applicant is affiliated or with whom the applicant associates. This means, for example, that under the general rule stated in § 202.4, a creditor may not discriminate against an applicant because of that person's personal or business dealings with members of a certain religion, because of the national origin of any persons associated with the extension of credit (such as the tenants in the apartment complex being financed), or because of the race of other residents in the neighborhood where the property offered as collateral is located.

### Section 202.3—Limited Exceptions for Certain Classes of Transactions.

#### 3(a) Public utilities credit.

3. *Telephone companies.* A telephone company's credit transactions qualify for the exceptions provided in § 202.3(a)(2) only if the company is regulated by a government unit or files the charges for service, delayed payment, or any discount for prompt payment with a government unit.

### Section 202.9—Notifications

#### 9(a) Notification of Action Taken, ECOA Notice, and Statement of Specific Reasons.

Current comments 9(a)(1)-3 through 9(a)(1)-6 are redesignated comments 9(a)(1)-4 through 9(a)(1)-7, respectively.

##### Paragraph 9(a)(1)

3. *Incomplete application—denial for incompleteness.* When an application is incomplete regarding matters that the applicant can complete and the creditor lacks sufficient data for a credit decision, the creditor may deny the application giving as the reason for denial that the application is incomplete. The creditor has the option, alternatively, of providing a notice of incompleteness under § 202.9(c).

### Section 202.13—Information For Monitoring Purposes

Current comment 13(a)-5 is redesignated 13(a)-6.

#### 13(a) Information to Be Requested

5. *Transactions not covered.* The information collection requirements of § 202.13(a) apply to applications for credit primarily for the purchase or refinancing of a dwelling that is or will become the applicant's principal residence. Therefore, applications for home equity lines and other applications for credit secured by the applicant's principal residence but made primarily for a purpose other than the purchase or refinancing of the principal residence (such as loans for home improvement and debt consolidation) are not



subject to the information collection requirements of § 202.13(a).

#### Appendix B—Model Application Forms

1. *FHLMC/FNMA form—residential loan application.* The residential loan application form (FHLMC 65/FNMA 1003), including supplemental form (FHLMC 65A/FNMA 1003A), prepared by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association and dated October 1986, complies with the requirements of this regulation in some transactions but not others because of the form's section on "Information for Government Monitoring Purposes." Creditors that are governed by § 202.13(a) of the regulation (which limits collection to applications primarily for the purchase or refinancing of the applicant's principal residence) should delete, strike, or modify the data collection section on the form when using it for transactions not covered by § 202.13(a) to assure that they do not collect the information. Creditors that are subject to more extensive collection requirements by a substitute monitoring program under § 202.13(d) may use the form as issued, in compliance with the substitute program.

2. *FHLMC/FNMA form—home-improvement loan application.* The home-improvement and energy loan application form (FHLMC 703/FNMA 1012), prepared by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association and dated October 1986, complies with the requirements of the regulation for some creditors but not others because of the form's section on "Information for Government Monitoring Purposes." Creditors that are governed by § 202.13(a) of the regulation (which limits collection to applications primarily for the purchase or refinancing of the applicant's principal residence) should delete, strike, or modify the data collection section on the form when using it for transactions not covered by § 202.13(a) to assure that they do not collect the information. Creditors that are subject to more extensive collection requirements by a substitute monitoring program under § 202.13(d) may use the form as issued, in compliance with that substitute program.

Board of Governors of the Federal Reserve System, March 31, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-7409 Filed 4-2-87; 8:45 am]

BILLING CODE 6210-01-M

#### 12 CFR Part 205

[Reg. E; EFT-2]

#### Electronic Fund Transfers; Official Staff Commentary Update

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final official staff interpretation.

**SUMMARY:** The Board is publishing revisions to the official staff

commentary to Regulation E (Electronic Fund Transfers). The commentary applies and interprets the requirements of Regulation E and is a substitute for individual staff interpretations of the regulation. The revisions represent final action on proposed changes published for comment in December 1986.

**EFFECTIVE DATE:** April 1, 1987.

**FOR FURTHER INFORMATION:** Contact Sharon Bowman or Heather Hansche, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-2412. For the hearing-impaired only, Telecommunication Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson, (202) 452-3544.

**SUPPLEMENTARY INFORMATION:** (1) *General.* The Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*) governs any transfer of funds that is electronically initiated and that debits or credits a consumer's account. This statute is implemented by the Board's Regulation E (12 CFR Part 205). Effective September 24, 1981, an official staff commentary (EFT-2, Supp. II to 12 CFR Part 205) was published to interpret the regulation. The commentary is designed to provide guidance to financial institutions in applying the regulation to specific situations. The commentary is updated periodically to address significant questions that arise. There have been four updates so far. The proposed version of this fifth update was published for comment on December 3, 1986 (51 FR 43615); this notice contains the final version.

(2) *Revisions to Commentary.* Four of the questions included in this document—questions 2-12.6, 3-3.6, 7-11.5, and 9-3.5—are new. Question 2-12.6 addresses systems for paying government benefits, such as public assistance, by means of electronic terminals; it clarifies that since the benefits are not disbursed from an account established by or in the control of the recipient, Regulation E does not apply. Question 3-3.6 concerns the regulation's coverage of dividend or interest payments on securities; it has been modified from the proposed version to avoid indicating that such payments are necessarily "preauthorized" transfers.

Question 7-11.5 deals with the Regulation D restrictions on payments to third parties from money market deposit accounts; it describes the circumstances under which the institution would be required by Regulation E to disclose those restrictions. Question 9-3.5 addresses the practice of including promotional material on ATM or POS

receipts, and is adopted without change from the proposed version.

The remaining two questions—questions 9-36 and 11-11.5—are revisions of existing commentary provisions; the new material deals with the treatment of cash-back and cash-only transactions at merchant point-of-sale terminals. These have been adopted without change from the proposed versions.

#### List of Subjects in 12 CFR Part 205

Banks, banking; Consumer protection; Electronic fund transfers; Federal Reserve System; Penalties.

#### Text of Revisions

The revisions to the Official Staff Commentary on Regulation E (EFT-2, Supp. II to 12 CFR Part 205) read as follows:

#### § 205.2 Definitions and rules of construction.

\* \* \* \* \*

Q 2-12.6: *Fund transfer—electronic payment of government benefits.* A recipient of government benefits, such as public assistance or food stamps, receives the benefits from an automated teller machine or a staffed electronic terminal. For example, the recipient presents an identification card to a clerk, the card is run through an electronic terminal, the recipient's identity is verified by some means (such as a photograph, personal identification number, or signature), and the benefits are given in the form of cash, food stamps, or food items. The benefits are disbursed from an account of the governmental entity paying the benefits, not an account established by or in the control of the consumer. Are these transactions subject to Regulation E?

A: No, since there is no debit or credit to a consumer asset account. (See questions 2-4 and 2-12.) (Section 205.2(b) and (g))

#### § 205.3 Exemptions.

\* \* \* \* \*

Q 3-3.6: *Payment of dividends or interest on securities.* A payment of interest or dividends on securities is made by electronic fund transfer into a consumer's account. The payment may be made, for example, by a discount brokerage firm into an account at an affiliated depository institution or, for government securities, by a Federal Reserve Bank into the consumer's account at a depository institution. Is the transfer covered by Regulation E?

A: Yes. The securities exemption does not apply since there is no purchase or sale of securities. (Section 205.3(c))

#### § 205.7 Initial Disclosure of Terms and Conditions.

\* \* \* \* \*

Q 7-11.5: *Restrictions on certain deposit accounts.* Regulation D imposes restrictions



on the number of payments to third parties that may be made from a money market deposit account (whether made by electronic or nonelectronic means). If an institution chooses to implement the restrictions by refusing to execute transfers that would exceed the limit, must it disclose the restrictions under Regulation E as limitations on the frequency of electronic fund transfers?

A: Yes, limitations on account activity that restrict the consumer's ability to make electronic fund transfers must be disclosed to the consumer as part of the Regulation E disclosures. (Section 205.7(a)(4))

#### § 205.9 Documentation of transfers.

Q 9-3.5: Receipts—*inclusion of promotional material*. A financial institution uses receipts on which there is promotional material (such as discount coupons for food items at restaurants). Is the printing of such promotional material on receipts prohibited by the regulation?

A: No. The regulation does, however, mandate that the required receipt information be set forth clearly; this may be achieved, for example, by separating it from the promotional material. In addition, a consumer must not be required to surrender the receipt (or that portion containing the required disclosures) in order to take advantage of a promotion. (Section 205.9(a))

Q 9-36: Receipts/periodic statements—*type of transfer*. What degree of specificity is required on terminal receipts and periodic statements for the type of transfer?

A: Common descriptions are sufficient. There is no prescribed terminology, although some examples are contained in the regulation. On periodic statements, it is enough simply to show the amount of the transfer in the debit or the credit column if other information on the statement (such as a terminal location or third-party name) enables the consumer to identify the type of transfer. When a consumer obtains cash from a merchant at a POS terminal in addition to purchasing goods, or obtains cash only, it is not necessary to differentiate the transaction from one involving only the purchase of goods. (See question 9-27.) (Section 205.9(a)(3) and (b)(1)(iii))

#### § 205.11 Procedures for resolving errors.

Q 11-11.5: POS debit-card transactions. The deadlines for investigating errors are extended for all transfers resulting from POS debit-card transactions, regardless of whether an electronic terminal is involved. For purposes of these deadlines, what types of transactions can be viewed as POS debit-card transactions?

A: POS debit-card transactions include all debit card transactions at merchants' point-of-sale terminals, including those for cash only. (Transactions at ATMs, however, are not POS transactions even though the ATM may be in a merchant location.) POS debit-card transactions generally take place at merchant locations but also include mail and

telephone orders of goods or services involving a debit card. (Section 205.11(c)(4))

Board of Governors of the Federal Reserve System, March 30, 1987.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 87-7408 Filed 4-2-87; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-NM-194-AD; Amdt. 39-5596]

#### Airworthiness Directives; Fairchild Model F-27 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action supersedes an existing airworthiness directive (AD), applicable to Fairchild Model F-27 series airplanes, which currently requires a daily inspection of the wing-to-fuselage fairing, both left and right, for evidence of cracks or looseness around screws and grommets. This action provides for a modification, which, if incorporated, constitutes terminating action for the daily inspection requirements. This action also limits the applicability of the existing AD to those airplanes which have not had the modification incorporated in production.

**EFFECTIVE DATE:** April 20, 1987.

**ADDRESSES:** The applicable service information may be obtained from Fairchild Republic Company, Showalter Road, Hagerstown, Maryland 21740. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin, Room 202, Valley Stream, New York.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald E. Gonder, Technical and Administrative Support Staff (ANM-103), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, telephone (206) 431-2128; or Charles Birkenholz, Airframe Branch (ANE-172), FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone (516) 791-6220.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal

Aviation Regulations by superseding AD 58-25-03, applicable to Fairchild Model F-27 series airplanes, to reduce the number of airplanes affected by the requirements of the existing AD and to add an optional modification which would constitute terminating actions for the daily inspection requirement, was published in the *Federal Register* on October 9, 1986 (51 FR 36230).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Since this amendment relieves a restriction by providing operators with an optional terminating action and reducing the number of airplanes affected by the requirements of the AD, it imposes no additional economic burden on any operator. Accordingly, the amendment may be made effective in less than 30 days.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few of these airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By superseding Airworthiness Directive (AD) 58-25-03 with the following new airworthiness directive:



**Fairchild Republic Company:** Applies to Model F-27 series airplanes, Manufacturer's Serial Numbers 1 through 39, and 41 through 48; equipped with wing-to-fuselage fairings, Part Numbers (P/N) 27-100102-1 or -2, and 27-100103-1, -2, -31, or -32; certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the inflight loss of the wing-to-fuselage fairing, accomplish the following:

A. Conduct a daily visual inspection of wing-to-fuselage fairing, both right and left, for cracks or looseness around screws and grommets. If cracks or looseness is found, before further flight install washer P/N AN970-3, and use washer head screw P/N AN525-10R9 in place of P/N AN509-10R9. Daily inspections are to continue until the modification of the fairings, described in paragraph B., below, is accomplished.

**Note.**—Caution should be used not to overtighten screws, as cracks may develop.

B. Modification of the wing-to-fuselage fairings in accordance with Fairchild Service Bulletin F27-53-9, Revision 1, dated May 13, 1959, or later FAA-approved revisions, constitutes terminating action for the daily inspection requirement of paragraph A., above.

C. Alternate means of compliance or adjustment of compliance time, which provide an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fairchild Republic Company, Showalter Road, Hagerstown, Maryland 21740. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

This amendment supersedes AD 58-25-03.

This amendment becomes effective April 20, 1987.

Issued in Seattle, Washington, on March 25, 1987.

**Frederick M. Isaac,**  
*Acting Director, Northwest Mountain Region.*

[FR Doc. 87-7317 Filed 4-2-87; 8:45 am]

BILLING CODE 4910-13-M

# 14 CFR Part 39

[Docket No. 86-NM-140-AD; Amdt. 39-5597]

## Airworthiness Directives; Lockheed-California Company Model L-1011 Series Airplanes Equipped with Rolls Royce RB211-22B Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) applicable to Lockheed Model L-1011 series airplanes equipped with Rolls Royce RB211-22B engines, that requires modification and corrective actions to prevent the potential fire hazard caused by heat damage to the flex fuel feed line from an undetected gearbox fire. This AD is prompted by nine reports of gearbox fires caused by failed bearings. This amendment provides modifications and corrective actions that constitute terminating action for AD 85-09-03.

**EFFECTIVE:** May 8, 1987.

**ADDRESSES:** The applicable service information may be obtained upon request from the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1; and the Rolls-Royce PLC, P.O. Box 31, Derby DE 2 8BJ, England, Attention: Technical Publications Department. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD), applicable to Lockheed Model L-1011 series airplanes equipped with Rolls Royce RB 211-22B engines, to require modifications and corrective action to prevent the potential fire hazard caused by heat damage to the flex fuel feed line from an undetected gearbox fire, was published in the *Federal Register* on July 17, 1986 (51 FR 25896). The comment period for the proposal closed September 8, 1986.

Interested persons have been afforded an opportunity to participate in the

making of this amendment. Due consideration has been given to all comments received.

Three commenters objected to the proposed requirement of paragraph B. to install a heat shield; the commenter stated that installation of the heat shield is not effective since it is not directly associated with the cause of gearbox fires. The FAA notes that, while a heat shield may not be the cause of fires, it can prevent their spread. However, the FAA has reconsidered the proposed requirement for the installation of the heat shield and has revised paragraph B. of the final rule to delete the requirement to accomplish the modifications described in Rolls Royce Service Bulletins (S/B) RB.211-73-8105 and RB.211-72-8106. The FAA has determined that the remaining modifications required by paragraph A. and B. of the final rule adequately eliminate the unsafe condition addressed by the AD.

One commenter stated that accomplishment of the aircraft wiring change described in Lockheed Service Bulletin 093-28-074, as proposed in paragraph A., would cause the primary fuel shutoff valve for engine No. 2 to close each time the engine was shut down. The commenter stated that this procedure would result in decreased reliability of the valve actuator and might result in the valve being inoperative at a critical time. After further consideration of this information, the FAA concurs that this particular change in wiring is unnecessary. Accordingly, paragraph A. of the final rule has been revised to delete the requirement for the wiring change described in Lockheed Service Bulletin 093-28-074.

Several commenters stated that the compliance time was too short. One operator specifically requested that the compliance time be increased to 10,000 flight hours or 40 months, in order to compensate for material lead times, which are as high as 40 weeks. The FAA has verified with the manufacturer that the delivery time for the wiring change kit, described in Lockheed S/B 093-28-074, is indeed 40 weeks; however, since the requirement for installation of this kit has been deleted from the final rule (as explained above), the FAA does not concur with extending the compliance time based on that kit's availability. The FAA has determined that 8,000 flight hours or 30 months after the effective date of the AD, as proposed, is appropriate and will cause no unreasonable problems of timely compliance, since it provides adequate time to schedule installation of the



required modifications at an operator's regular "C" check.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule with the changes previously noted.

It is estimated that 149 airplanes of U.S. registry will be effected by this AD, that it will take approximately 24 manhours per airplane and 7 manhours per engine to accomplish the required actions, and that the average labor cost will be \$40 per manhour. The cost of parts is \$5,600 per airplane and \$600 per engine. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$1,370,800.

For reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few if any Model L-1011 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive (AD):

**Lockheed-California Company:** Applies to Lockheed Model L-1011 series airplanes equipped with Rolls-Royce RB211-22B engines, certificated in any category. Compliance as indicated, unless previously accomplished.

To prevent gearbox fires, accomplish the following:

A. Within 8,000 flight hours or 30 months after the effective date of this AD, whichever occurs sooner, comply with the accomplishment instructions listed in the following Lockheed Service Bulletins, or later

revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region:

1. 093-26-036, Installation of Fire Detector Segment, dated April 1, 1986;

2. 093-71-067, Gearbox Breather Duct Modification, Revision 1, dated April 1, 1986;

B. Within 8,000 flight hours, or 30 months after the effective date of this AD, whichever occurs sooner, comply with the accomplishment instructions listed in the following Rolls Royce Service Bulletins, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region:

1. RB.211-72-4666, Introduction of Vent Air Tube in Gear Compartment, Revision 3, dated October 14, 1977;

2. RB.211-72-8138, Installation of Additional No. 7 Fire Sensor, dated March 21, 1986.

C. Compliance with Rolls Royce Service Bulletins RB.211-72-4666, Introduction of Vent Air Tube in Gear Compartment, Revision 3, dated October 14, 1977, and RB.211-72-3878, Introduction of Thickened Gearbox Front and Rear Housings, Revision 3, dated June 25, 1976, constitutes an acceptable alternate means of compliance to paragraph A. and B., above.

D. Compliance with either paragraphs A. and B., or paragraph C., above, constitutes terminating action for the requirements of AD 85-09-03, Amendment 39-5056.

E. If an operator has complied with paragraphs A. and B., or paragraph C., above, on an airplane, and subsequently installs an engine on that airplane which does not comply with either paragraphs A. and B., or paragraph C., that airplane will be subject to the requirements of AD 85-09-03.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

G. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents may obtain copies of Lockheed service bulletins upon request from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 65-33, U-33, B-1. Copies of Rolls Royce Service Bulletins may be obtained upon request to Rolls-Royce PLC, P.O. Box 31, Derby DE 2 8BJ, England, Attention: Technical Publications Department. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective May 8, 1987.

Issued in Seattle, Washington, on March 25, 1987.

Frederick M. Isaac,

Acting Director Northwest Mountain Region.

[FR Doc. 87-7318 Filed 4-2-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 95

[Docket No. 25216; Amdt. No. 336]

#### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** April 9, 1987.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

#### SUPPLEMENTARY INFORMATION:

This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National



Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Issued in Washington, DC, on March 18, 1987.

**John S. Kern,**

*Director of Flight Standards.*

#### Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.:

#### PART 95—[AMENDED]

1. The authority citation for Part 95 continues to read as follows:

Authority: 49 U.S.C. §§ 1348, 1354 and 1510; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 95 is amended as follows:

BILLING CODE 4910-13-M



## REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES &amp; CHANGEOVER POINTS

## AMENDMENT 336 EFFECTIVE DATE, APRIL 9, 1987

FROM	TO	MEA	FROM	TO	MEA
<b>§95.6004 VOR FEDERAL AIRWAY 4</b> IS AMENDED TO READ IN PART			<b>§95.6123 VOR FEDERAL AIRWAY 123</b> IS AMENDED TO READ IN PART		
HILL CITY, KS VORTAC *4000 - MOCA	WESAL, KS FIX	*5500	ROBBINSVILLE, NJ VORTAC	LA GUARDIA, NY VOR/ DME	2700
<b>§95.6007 VOR FEDERAL AIRWAY 7</b> IS AMENDED TO READ IN PART			<b>§95.6219 VOR FEDERAL AIRWAY 219</b> IS AMENDED TO DELETE		
CHICAGO HEIGHTS, IL VORTAC *3100 - MCA NILES FIX, N BND	*NILES, IL FIX	2100	MANKATO, MN VOR/DME *2400 - MOCA	FARMINGTON, MN VORTAC	*2900
<b>§95.6035 VOR FEDERAL AIRWAY 35</b> IS AMENDED TO READ IN PART			<b>§95.6220 VOR FEDERAL AIRWAY 220</b> IS AMENDED TO READ IN PART		
SUGARLOAF MOUNTAIN, NC VORTAC *9000 - MCA BUSIC FIX, N BND	*BUSIC, NC FIX	8000	FARGO, ND VORTAC	GRAND FORKS, ND VOR/ DME	2700
BUSIC, NC FIX *9000 - MCA ROANS FIX, S BND	*ROANS, TN FIX	9000	<b>§95.6232 VOR FEDERAL AIRWAY 232</b> IS AMENDED TO READ IN PART		
<b>§95.6053 VOR FEDERAL AIRWAY 53</b> IS AMENDED TO READ IN PART			BROADWAY, NJ VOR/DME	LA GUARDIA, NY VOR/ DME	2700
SUGARLOAF MOUNTAIN, NC VORTAC *9000 - MCA BUSIC FIX, N BND	*BUSIC, NC FIX	8000	<b>§95.6272 VOR FEDERAL AIRWAY 272</b> IS AMENDED TO READ IN PART		
BUSIC, NC FIX *9000 - MCA ROANS FIX, S BND	*ROANS, TN FIX	9000	HOLLE, OK FIX *2400 - MOCA	MC ALESTER, OK VORTAC	*3000
<b>§95.6092 VOR FEDERAL AIRWAY 92</b> IS AMENDED TO READ IN PART			<b>§95.6422 VOR FEDERAL AIRWAY 422</b> IS AMENDED TO READ IN PART		
NILES, IL FIX	CHICAGO HEIGHTS, IL VORTAC	2100	NILES, IL FIX	CHICAGO HEIGHTS, IL VORTAC	2100
<b>§95.6097 VOR FEDERAL AIRWAY 97</b> IS AMENDED TO READ IN PART			<b>§95.6456 VOR FEDERAL AIRWAY 456</b> IS AMENDED TO READ IN PART		
CHICAGO HEIGHTS, IL VORTAC *3100 - MCA NILES FIX, N BND	*NILES, IL FIX	2100	MANKATO, MN VOR/DME	FLYING CLOUD, MN VOR/ DME	2900



FROM

TO

MEA

MAA

**§95.7029 JET ROUTE NO. 29**

IS AMENDED TO READ IN PART

U.S. MEXICAN BORDER

CORPUS CHRISTI, TX VORTAC

24000

45000

**§95.7228 JET ROUTE NO. 228**

IS AMENDED TO READ IN PART

BECKLEY, WV VORTAC

DRAPE, VA FIX

18000

45000

DRAPE, VA FIX

LINDEN, VA VORTAC

18000

30000

LINDEN, VA VORTAC

LANCASTER, PA VORTAC

18000

38000

[FR Doc. 87-7319 Filed 4-2-87; 8:45 am]

BILING CODE 4910-13-C



## DEPARTMENT OF COMMERCE

## International Trade Administration

## 15 CFR Part 371

[Docket No. 70223-7023]

## General Licenses for Exports to Cooperating Governments and Certified End-Users; Correction

**AGENCY:** Export Administration, International Trade Administration, Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** A final rule establishing General Licenses GCG and G-CEU was published at 52 FR 5274, February 20, 1987. In § 371.14(c) an incorrect reference was made to § 371.13. This document is being issued to change that reference to § 371.14.

**FOR FURTHER INFORMATION CONTACT:** John Black, Regulations Branch, Export Administration, Telephone: (202) 377-2440.

## PART 371—[AMENDED]

Accordingly, the following correction is made to "General Licenses for Exports to Cooperating Governments and Certified End-Users," published in the *Federal Register* on February 20, 1987 (FR Doc. 87-3656):

## § 371.14 [Corrected]

1. On page 5275, in the second column, § 371.14(c), line 5, change "§ 371.13" to "§ 371.14".

Dated: March 26, 1987.

Dan Hoydysh,  
Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-7391 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 271

[Docket No. RM79-76-251; Texas 16—Addition II; Order No. 468]

## High-Cost Gas Produced From Tight Formations

Issued: March 30, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas

Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1985)). This rule established procedures for jurisdictional agencies to submit recommendations of areas for designation as tight formations. This order adopts the recommendation of the Railroad Commission of the State of Texas that an additional area of the Olmos Formation located in McMullen County, Texas, be designated as a tight formation under § 271.703(d) of the Commission's Regulations.

**EFFECTIVE DATE:** This rule is effective April 29, 1987.

**FOR FURTHER INFORMATION CONTACT:** Edward G. Gingold, (202) 357-9114 or Walter W. Lawson (202) 357-8556.

## SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Based on a recommendation made by the Railroad Commission of the State of Texas (Texas), the Commission amends § 271.703(d) of its regulations<sup>1</sup> to include an additional area of the Olmos Formation located in McMullen County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The Director of the Office of Pipeline and Producer Regulation issued a notice proposing the amendment on November 13, 1986.<sup>2</sup>

Evidence submitted by Texas supports the assertion that the additional area of the Olmos Formation meets the guidelines contained in § 271.703(c)(2). The Commission therefore adopts Texas' recommendation.

The amendment shall become effective April 29, 1987.

## List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

<sup>1</sup> 18 CFR 271.703(d) (1985).

<sup>2</sup> 51 FR 41806 (November 19, 1986). Comments on the proposed rule were invited and none was received. No party requested a public hearing and no hearing was held.

By the Commission  
Kenneth F. Plumb,  
Secretary

## PART 271—[AMENDED]

Section 271.703 is amended to read as follows:

1. The authority citation for Part 271 continues to read as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7171 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(111)(iii) to read as follows:

## § 271.703 Tight formations.

(d) Designated tight formations.

(111) The Olmos Formation in Texas. RM79-76 (Texas-16).

(iii) A.W.P. (Olmos) Field, McMullen County.

(A) Delineation of formation. The designated portion of the Olmos Formation located to the east and southeast of Tilden, in McMullen County, Texas, and consists of approximately 7,506 acres containing four leases; the 3,480.6 acre Bracken Ranch lease, the 320 acre Dan Foster lease, the 2,431.46 acre R.P. Horton lease and the 1,274 acre R.P. Horton "C" lease.

(B) Depth. The top of the Olmos Formation occurs at depths of from 9,100 feet to 9,600 feet below mean sea level.

[FR Doc. 87-7402 Filed 4-2-87; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

[T.D. 8134]

## 26 CFR Part 1

## Foreign Sales Corporation; Foreign Management and Foreign Economic Processes

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Removal of temporary regulations.

**SUMMARY:** This document removes temporary Income Tax Regulations Relating to Foreign Sales Corporations (FSCs) published in the *Federal Register* on December 12, 1984 (49 FR 48321) concerning the foreign management and



foreign economic processes requirements.

**DATES:** The removal of the temporary regulations at sections 1.924(c)-1T, 1.924(d)-1T, and 1.924(e)-1T is effective generally for taxable years beginning after December 31, 1984.

**FOR FURTHER INFORMATION CONTACT:** Carol P. Tello of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:INTL:6) (202-566-3226, not a toll-free call).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This document removes temporary Income Tax Regulations Relating to Foreign Sales Corporations (26 CFR Part 1) at sections 1.924(c)-1T, 1.924(d)-1T, and 1.924(e)-1T (T.D. 7994) published in the Federal Register on December 12, 1984 (49 FR 48321).

##### **Nonapplicability of Executive Order 12291**

The Treasury Department has determined that removal of these temporary regulations is not subject to review under Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

##### **Regulatory Flexibility Act**

A general notice of proposed rulemaking is not required by 5 U.S.C. 553(b) for removal of temporary regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply and no Regulatory Flexibility Analysis is required.

##### **Drafting Information**

The principal author of this removal of temporary Income Tax Regulations is Carol P. Tello of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this removal of temporary Income Tax Regulations.

##### **List of Subjects in 26 CFR Parts 1.861-1 through 1.997-1**

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit FSC, Sources of income, United States investment abroad.

##### **Adoption of Amendments to the Regulations**

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

#### **PART 1—[AMENDED]**

**Paragraph 1.** The authority citation for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805.

#### **Income Tax Regulations**

§§ 1.924(c)-1T, 1.924(d)-1T, and 1.924(e)-1T [Removed].

**Par. 2.** §§ 1.924(c)-1T, 1.924(d)-1T, and 1.924(e)-1T are removed.

Lawrence B. Gibbs,  
*Commissioner of Internal Revenue.*  
Approved: March 27, 1987.

J. Roger Mentz,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 87-7389 Filed 4-2-87; 9:28 am]

BILLING CODE 4830-01-M

#### **26 CFR Parts 1 and 602**

[T.D. 8135]

#### **Income Taxes; Information Reporting on Real Estate Transactions**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Temporary regulations.

**SUMMARY:** This document contains temporary regulations relating to the information reporting requirements for real estate transactions. Changes to the applicable law were made by the Tax Reform Act of 1986. The regulations affect certain persons who participate in real estate transactions and provide them with the guidance needed to comply with the law. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations for the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the Federal Register.

**EFFECTIVE DATE:** The regulations apply to real estate transactions closing after December 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Arthur E. Davis III of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Attention: CC:LR:T, (202) 566-3461 (not a toll-free call).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This document amends the Income Tax Regulations (26 CFR Part 1) to provide temporary rules relating to the information reporting requirements for real estate transactions under section 6045(e) of the Internal Revenue Code of 1986. The temporary regulations reflect the addition of section 6045(e) to the

Code by section 1521 of the Tax Reform Act of 1986 (100 Stat. 2746).

Section 6045(e) requires the person who is the real estate broker with respect to a real estate transaction closing after December 31, 1986, to file an information return and provide a statement to the transferor with respect to the transaction. These temporary regulations provide rules and definitions with respect to those requirements.

##### **Scope of Provisions**

The term "real estate transaction" is not defined by statute, but is intended to encompass a wide range of transactions that could have tax consequences. Given the breadth of coverage of section 6045(e), reporting could be required with respect to any transfer of an interest in real estate to the extent that the information provided would be useful in the administration of the tax laws. Under these temporary regulations, however, the types of transactions for which an information return will be required under section 6045(e) are limited initially to those types of transactions that will provide the most useful information to the Service.

The temporary regulations provide that a transaction will be treated as a real estate transaction (and therefore reportable) only if it consists of a sale or exchange of certain residential real estate. Reports with respect to these transactions will provide the Service with new and useful information and at the same time enable the Service to continue working with industry groups to devise comprehensive rules meeting both industry concerns and Service compliance goals. The Service anticipates that additional temporary or proposed regulations will be published applying the information reporting requirements to other transactions. Those additional temporary or proposed regulations will apply on a prospective basis only and will not apply to any transaction closing on or before December 31, 1987.

The Service is studying various types of transactions to determine whether they should be exempted from the final information reporting requirements. Among the categories under consideration are: (1) Transactions that consist solely of a transfer of a security interest in real estate in connection with a financing or refinancing that is not related to the acquisition of the real estate, (2) transactions certified by the transferor to be subject to a provision of the Internal Revenue Code (other than section 1031, 1034, or 453) or the associated Federal income tax regulations under which all gain or loss



is excluded from income or is not currently realized or recognized, (3) certain transactions creating a leasehold interest or involving a lease assignment or sublease, (4) option transactions, (5) transactions reportable under other provisions, such as section 6050N (relating to royalties), and (6) transactions in which the transferor is a publicly-traded corporation or a tax-exempt entity. Taxpayers are urged to comment on these or any other categories of transactions for which an exemption might be appropriate.

The Internal Revenue Service also is studying the relationship between section 6045(e) and the provisions of the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA) to determine the extent to which the reporting requirements of section 6045(e) should apply to transactions governed by FIRPTA. Taxpayers are urged to comment on the interaction between these provisions.

Finally, the Internal Revenue Service is studying the extent, if any, to which the provisions of section 3406 (relating to backup withholding) should apply to real estate brokers. Taxpayers are asked also to comment on this issue.

#### Explanation of Provisions

Under the temporary regulations, the term "real estate transaction" includes only a sale or exchange of one-to-four-family real estate. The temporary regulations define the term "one-to-four-family real estate" to include: (1) Any structure designed principally for the occupancy of from one to four families and any appurtenant fixtures, land, and associated structures transferred with such structure, (2) certain condominium units and appurtenant common elements, and (3) stock in a cooperative housing corporation (as defined in section 216).

The temporary regulations exempt from the reporting requirements transactions that are reportable under section 6050J (relating to foreclosures and abandonments of security). The temporary regulations also provide that the reporting requirements do not apply with respect to corporate transfers and transfers that are governmental units.

The temporary regulations provide rules for determining the person (referred to in section 6045(e) and these regulations as the "real estate broker") who is required to report with respect to a real estate transaction. Unless a person is identified as the real estate broker in a designation agreement that meets the requirements of the regulations, the real estate broker with respect to a transaction is generally the

person responsible for closing the transaction.

If a Uniform Settlement Statement, prescribed under the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601, *et seq.*, as amended, and the regulations thereunder, is used with respect to a real estate transaction, the person listed as the settlement agent on that statement is considered the person responsible for closing the transaction. If a Uniform Settlement Statement is not used (or if no person is listed as settlement agent on the Uniform Settlement Statement), the person responsible for closing the transaction is the person who prepares the closing statement or other written description of the disposition of the gross proceeds used at, or in connection with, the closing. If no closing statement or other written description of the disposition of the gross proceeds is used, the person responsible for closing the transaction is a transferee's or transferor's attorney who participates in the transaction in the manner specified in the regulations or, if there is no such attorney, the disbursing title or escrow company that is most significant in terms of gross proceeds disbursed. If the transferee's attorney and the transferor's attorney both participate in the transaction in the manner specified, the person responsible for closing the transaction is the transferee's attorney.

If no person is responsible for closing the transaction (and there is no designation agreement that meets the requirements of the regulations), the real estate broker with respect to the transaction is the first-listed of the persons that participate in the transaction as: (1) The mortgage lender, (2) the transferor's broker, (3) the transferee's broker, or (4) the transferee.

The temporary regulations provide that the participants in a real estate transaction may, by agreement, designate a person as the real estate broker with respect to the transaction. Only the person responsible for closing the transaction, an attorney for the transferee or transferor, a title or escrow company, or a mortgage lender may be designated under such an agreement, and both the designated person and the person who would otherwise be the real estate broker with respect to the transaction must be parties to the agreement. If these conditions are met and the agreement otherwise satisfies the requirements of the temporary regulations, the designated person (and not the person who would otherwise be the real estate broker) is the real estate broker with respect to the transaction.

The temporary regulations prescribe the information required to be shown on

the return and on the statement furnished to the transferor, the manner in which the return must be filed with the Service and the statement must be furnished to the transferor, and the time for filing such returns and furnishing such statements.

The temporary regulations provide special rules for transactions involving multiple transferors. The temporary regulations generally require a real estate broker to make a separate information return with respect to each transferor and to request an allocation of the gross proceeds from the transferors. Transferors who are husband and wife and who hold the real estate at the time of closing as tenants in common, joint tenants, tenants by the entirety, or community property are not considered multiple transferors for purposes of these rules.

The temporary regulations require magnetic-media reporting for real estate transactions, but provide an exception for persons who reasonably expect to report fewer than 250 transactions for a calendar year or who reported fewer than 250 transactions for the preceding calendar year. In addition, the Commissioner may authorize reporting on the prescribed paper Form 1099 if undue hardship is shown. For transactions closing in calendar year 1987, the Commissioner will authorize filing on the prescribed paper Form 1099 if the application for waiver indicates that the real estate broker reasonably expects to be required to file fewer than 500 returns for the year.

The regulations also provide rules for the solicitation of taxpayer identification numbers (TINs) from transferors, but do not require backup withholding with respect to real estate transactions reportable under section 6045(e). The solicitation must be made by providing a written statement containing certain information to the transferor. This statement may be provided to the transferor in person or in a mailing that includes other items.

The temporary regulations apply to real estate transactions closing after December 31, 1986. However, no penalty will be imposed with respect to transactions with dates of closing before May 4, 1987.

#### Special Analyses

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary



regulations. Accordingly, the temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

The collection of information requirements contained in this regulation have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control number 1545-0715.

#### Drafting Information

The principal author of these regulations is Arthur E. Davis III of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations on matters of both substance and style.

#### List of Subjects

26 CFR 1.6001-1—1.6109-2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 602

OMB control numbers under the Paperwork Reduction Act.

#### Adoption of Amendments to the Regulations

For the reasons set out in the preamble, Subchapter A, Part 1, and Subchapter H, Part 602, of Title 26, Chapter 1 of the Code of Federal Regulations are amended as set forth below:

### PART 1—INCOME TAX REGULATIONS

**Paragraph 1.** The authority for Part 1 is amended by adding the following authority citation:

Authority: 26 U.S.C. 7805. \* \* \* Section 1.6045-3T also issued under 26 U.S.C. 6045.

**Par. 2.** The following new § 1.6045-3T shall be added in the appropriate place.

#### § 1.6045-3T Information reporting on real estate transactions (Temporary).

(a) *Requirement of reporting.* Except as otherwise provided in paragraphs (c) and (d) of this section, a real estate broker must make an information return with respect to a real estate transaction and, under paragraph (m) of this section, must furnish a statement to the transferor. For the definition of a real estate transaction for purposes of these reporting requirements, see paragraph (b) of this section. For rules for determining the real estate broker with

respect to a real estate transaction, see paragraph (e) of this section.

(b) *Definition of real estate transaction.*—(1) *In general.* (i) Until otherwise provided in regulations under section 6045(e), a transaction will be treated as a "real estate transaction" under this section only if the transaction consists in whole or in part of the sale or exchange of one-to-four-family real estate (as defined in paragraph (b)(2) of this section) for money, indebtedness, property other than money, or services.

(ii) A transaction that is not a sale or exchange (such as a gift or a financing or refinancing that is not related to the acquisition of real estate) is not a real estate transaction under this section, even if the transaction involves one-to-four-family real estate.

(iii) For purposes of this section, the term "sale or exchange" shall not include an involuntary conversion of real estate (within the meaning of section 1033 and the regulations thereunder). The term "sale or exchange" shall include any other transaction properly treated as a sale or exchange for Federal income tax purposes, whether or not the transaction is currently taxable. Thus, for example, a sale or exchange of one-to-four-family real estate is a real estate transaction under this section even though the transferor is entitled to defer gain recognition under section 1034 (relating to rollover of gain on sale of principal residence), or the transferor is entitled to the special one-time exclusion of gain from sale of a principal residence provided by section 121 to certain persons who have attained age 55.

(2) *Definition of one-to-four-family real estate.* For purposes of this section, the term "one-to-four-family real estate" means—

(i) Any structure designed principally for the occupancy of from one to four families (such as a house, townhouse, duplex, or four-unit apartment building) and any appurtenant fixtures, land, and associated structures (such as a detached garage) transferred with such structure;

(ii) Any condominium unit designed principally for the occupancy of from one to four families and any appurtenant fixtures and common elements (including land); and

(iii) Stock in a cooperative housing corporation (as defined in section 216). The term "one-to-four-family real estate" shall not include a mobile home that includes wheels and axles.

(c) *Exception for certain exempt transactions.*—(1) *Transactions reportable under section 6050J.* No return of information is required with

respect to a real estate transaction that is required to be reported under section 6050J (relating to foreclosures and abandonments of security).

(2) *Certain transactions governed by FIRPTA.* [Reserved.]

(d) *Exception for certain exempt transfers.*—(1) *Corporations.* No return of information is required with respect to a transferor that is a corporation, as defined in section 7701(a)(3). Absent actual knowledge to the contrary, a real estate broker may treat a transferor as a corporation if—

(i) The name of the transferor contains an unambiguous expression of corporate status, such as Incorporated, Inc., Corporation, Corp., or P.C. (but not Company or Co.);

(ii) The name of the transferor contains the term "insurance company," "indemnity company," "reinsurance company," or "assurance company"; or

(iii) The transfer or loan documents clearly indicate corporate status of the transferor.

(2) *Governmental units.* No return of information is required with respect to a transferor that is—

(i) The United States or a State, the District of Columbia, a possession of the United States, a political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing; or

(ii) A foreign government, a political subdivision thereof, an international organization, or any wholly-owned agency or instrumentality of the foregoing.

(e) *Person required to report.*—(1) *In general.* Except as provided in a designation agreement under paragraph (e)(5) of this section, the real estate broker with respect to a real estate transaction is—

(i) The person responsible for closing the transaction, as defined in paragraph (e)(3) of this section; or

(ii) If there is no person responsible for closing the transaction, the person determined to be the real estate broker under paragraph (e)(4) of this section.

A person may be the real estate broker with respect to a transaction whether or not such person performs or is licensed to perform real estate brokerage services for a commission or fee.

(2) *Employees, agents, and partners.* If an employee, agent, or partner (other than an employee, agent, or partner of the transferor or the transferee) acting within the scope of such person's employment, agency, or partnership participates in a real estate transaction—



(i) Such participation shall be attributed to such person's employer, principal, or partnership; and

(ii) Only the employer, principal, or partnership (and not such person) may be the real estate broker with respect to such transaction as a result of such participation.

(3) *Person responsible for closing the transaction*—(i) *Uniform Settlement Statement used.* If a Uniform Settlement Statement prescribed under the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601 *et seq.* (a "Uniform Settlement Statement"), is used with respect to the real estate transaction and a person is listed as settlement agent on the statement, such person is the person responsible for closing the transaction. For purposes of this section, a Uniform Settlement Statement shall include any amendments or variations thereto, or substitutions therefor that may hereafter be prescribed under RESPA, provided that any such amended, varied, or substituted form requires disclosure of the parties to the transaction, the application of the proceeds of the transaction, and the identity of the settlement agent or other person responsible for preparing the form.

(ii) *Other closing statement used.* If a Uniform Settlement Statement is not used, or if a Uniform Settlement Statement is used, but no person is listed as settlement agent, the person responsible for closing the transaction is the person who prepares a closing statement presented to the transferor and transferee at, or in connection with, the closing of the real estate transaction. For purposes of this section, a closing statement is any closing statement, settlement statement (including a Uniform Settlement Statement), or other written memorandum that identifies the transferor and transferee, reasonably identifies the transferred real estate, and describes the manner in which the proceeds payable to the transferor are to be (or were) disbursed at, or in connection with, the closing.

(iii) *No closing statement used or multiple closing statements used.* If no closing statement is used or multiple closing statements are used, the person responsible for closing the transaction is the first-listed of the persons that participate in the transaction as—

(A) The attorney for the transferee who is present at the occasion of the delivery of either the transferee's note or a significant portion of the cash proceeds to the transferor, or who prepares or directs the preparation of the document(s) transferring legal or equitable ownership of the real estate;

(B) The attorney for the transferor who is present at the occasion of the delivery of either the transferee's note or a significant portion of the cash proceeds to the transferor, or who prepares or directs the preparation of the document(s) transferring legal or equitable ownership of the real estate; or

(C) The disbursing title or escrow company that is most significant in terms of gross proceeds disbursed. If more than one attorney would be the person responsible for closing the transaction under the preceding sentence, the person among such attorneys who is responsible for closing the transaction is the person whose involvement in the transaction is most significant.

(4) *Determination of the real estate broker in the absence of a person responsible for closing the transaction.* If no person is responsible for closing the transaction (within the meaning of paragraph (e)(3) of this section), the real estate broker with respect to the real estate transaction is the first-listed of the persons that participate in the transaction as—

(i) The mortgage lender (as defined in paragraph (e)(6)(i) of this section).

(ii) The transferor's broker (as defined in paragraph (e)(6)(ii) of this section).

(iii) The transferee's broker (as defined in paragraph (e)(6)(iii) of this section), or

(iv) The transferee (as defined in paragraph (e)(6)(iv) of this section).

(5) *Designation agreement*—(i) *In general.* If a written designation agreement executed at or prior to the time of closing designates one of the persons described in paragraph (e)(5)(ii) of this section as the real estate broker with respect to the transaction and the designated person and the person who otherwise would be treated as the real estate broker are each parties to the agreement, the designated person is the real estate broker with respect to the transaction. Other persons may become parties to the agreement, but are not required to do so.

(ii) *Persons eligible.* A person may be designated as the real estate broker under this paragraph (e)(5) only if the person is—

(A) The person responsible for closing the transaction (as defined in paragraph (e)(3) of this section);

(B) A person described in paragraph (e)(3)(iii) (A), (B) or (C) of this section (whether or not such person is responsible for closing the transaction); or

(C) The mortgage lender (as defined in paragraph (e)(6)(i) of this section).

(iii) *Form of designation agreement.* A designation agreement may be in any form that is consistent with the requirements of this paragraph (e)(5), and may be included on a closing statement with respect to the transaction. The designation agreement must, however, include the name and address of the transferor and transferee and the address and any additional information necessary to identify the real estate transferred. The agreement must identify, by name and address, the person designated as the real estate broker with respect to the transaction, and all other parties to the agreement. All parties to the agreement must date and sign the agreement and must retain the agreement for four years following the close of the calendar year in which the date of closing (as determined under paragraph (h)(2)(ii) of this section) occurs. Upon request by the Internal Revenue Service, the agreement must be made available for inspection.

(6) *Meaning of terms*—(i) *Mortgage lender.* For purposes of this paragraph (e), the term "mortgage lender" means the person who lends new funds in connection with the transaction, but only if the repayment of such funds is secured in whole or in part by the real estate transferred. If new funds are advanced by more than one person, the mortgage lender is the person who advances the largest amount of new funds. If two or more persons advance equal amounts of new funds and no other person advances a greater amount of new funds, the mortgage lender among the persons advancing such equal amounts is the person with the security interest that is most senior in terms of priority. For purposes of this paragraph (e)(6)(i), any amounts advanced by the transferor are not treated as new funds.

(ii) *Transferor's broker.* For purposes of this paragraph (e), the term "transferor's broker" means only the broker that contracts with the transferor and is compensated in connection with the transaction.

(iii) *Transferee's broker.* For purposes of this paragraph (e), the term "transferee's broker" means only the broker that participates to a significant extent in the preparation of the transferee's offer to acquire the real estate or that presents such offer to the transferor. If more than one person is so described, the transferee's broker is the person whose participation in the preparation of the transferee's offer to acquire the real estate is most significant or, in the event there is no such person, the person whose



participation in the presentation of the offer is most significant.

(iv) *Transferee.* For purposes of this paragraph (e), the term "transferee" means the person who acquires the greatest interest in the real estate. If there is no such person, the transferee is the person listed first on the document(s) transferring legal or equitable ownership of the real estate.

(f) *Multiple transferors.* In the case of multiple transferors each of which transfers an interest in the same one-to-four-family real estate, the real estate broker shall make a separate information return with respect to each transferor. For this purpose and for purposes of paragraph (i)(5) of this section, transferors who are husband and wife at the time of closing and hold the real estate as tenants in common, joint tenants, tenants by the entirety, or community property are treated as a single transferor. See paragraph (i)(5) of this section concerning the determination of gross proceeds to be reported in the case of multiple transferors.

(g) *Prescribed form.* Except as otherwise provided in paragraph (k) of this section, the information return required by paragraph (a) of this section shall be made on Form 1099.

(h) *Information required—(1) In general.* The following information must be set forth on Form 1099 required by this section:

(i) The name, address, and taxpayer identification number (TIN) of the transferor;

(ii) A general description of the real estate transferred (in accordance with paragraph (h)(2)(i) of this section);

(iii) The date of closing (as defined in paragraph (h)(2)(ii) of this section);

(iv) The gross proceeds with respect to the transaction (as determined under paragraph (i) of this section);

(v) If the transferor received (or will receive) property (other than cash and consideration treated as cash in computing gross proceeds) or services as part of the consideration for the transaction, an indication that such property or services were (or will be) so received;

(vi) The real estate broker's name, address, and TIN; and

(vii) Any other information required by the Form 1099 or its instructions.

(2) *Meaning of terms—(i) General description of the real estate transferred.* A general description of the real estate transferred includes the complete address of the property. If the address would not sufficiently identify the property, a general description of the real estate also includes a legal

description (e.g., section, lot, and block) of the property.

(ii) *Date of closing.* In the case of a real estate transaction with respect to which a Uniform Settlement Statement is used, the date of closing shall be the date (if any) properly described as the "Settlement Date" on such statement. In all other cases, the date of closing shall be the earlier of the date on which title is transferred or the date on which the economic burdens and benefits of ownership of the real estate shift from the transferor to the transferee.

(i) *Gross proceeds—(1) In general.* Except as otherwise provided in this paragraph (i), the term "gross proceeds" means the total cash received or to be received by or on behalf of the transferor in connection with the real estate transaction, taking into account the stated principal amount of any obligation to pay cash to or for the benefit of the transferor in the future. Thus, gross proceeds does not include the value of any property other than cash transferred in connection with the real estate transaction. If, as part of the consideration for the transfer, the transferee either assumes a liability of the transferor or acquires the real estate subject to a liability (whether or not the transferor is personally liable on the debt), the amount of the liability shall be treated as cash received by the transferor in computing gross proceeds. See paragraph (h)(1)(v) of this section for the information that must be included on the Form 1099 required by this section in cases in which the transferor receives services or property other than cash as part of the consideration for the transfer.

(2) *Treatment of sales commissions and similar expenses.* In computing gross proceeds, the total cash received or to be received by or on behalf of the transferor shall not be reduced by expenses borne by the transferor (such as sales commissions, expenses of advertising the real estate, expenses of preparing the deed, and the cost of legal services in connection with the transfer).

(3) *Special rule for contingent payments.* Gross proceeds shall not include contingent payments, determined by disregarding remote and incidental contingencies and contingencies relating to insolvency or default.

(4) *Uniform Settlement Statement used.* If a Uniform Settlement Statement is used with respect to a real estate transaction involving a transfer of one-to-four-family real estate solely for cash and consideration treated as cash in computing gross proceeds, the gross proceeds generally will be the same

amount as the contract sales price properly shown on that statement.

(5) *Special rules for multiple transferors.* In the case of multiple transferors (within the meaning of paragraph (f) of this section) each of which transfers an interest in the same one-to-four-family real estate, the real estate broker must request the transferors to provide an allocation of the gross proceeds among the transferors. The request must be made at or before the time of closing. Neither the request nor the response is required to be in writing. The real estate broker must make a reasonable effort to contact all transferors of whom the real estate broker has actual knowledge. The real estate broker may, however, rely on the unchallenged response of any transferor and need not make additional efforts to contact other transferors after at least one complete allocation (whether or not contained in a single response) is received. Except as otherwise provided in this paragraph (i)(5), the real estate broker shall report the gross proceeds in accordance with the allocation received. If no gross proceeds are allocated to a transferor either because no allocation is received by the real estate broker or because the allocation received is incomplete, the real estate broker shall report the entire unallocated gross proceeds on the return of information made with respect to such transferor. In addition, if the real estate broker receives conflicting allocations from the transferors, the real estate broker shall report the entire gross proceeds on each return of information made with respect to the transaction.

(6) *Multiple asset transactions.* In the case of a real estate transaction reportable under this section that involves the transfer of one-to-four-family real estate and other assets, the real estate broker shall, except as provided in paragraph (i)(5) of this section, report the entire gross proceeds on each return of information made with respect to that transaction.

(j) *Time and place for filing.* A real estate broker shall file the information returns required by this section with respect to a real estate transaction after December 31 of the calendar year that includes the date of closing (as determined under paragraph (h)(2)(ii) of this section) and on or before February 28 of the following calendar year. The returns shall be filed with the appropriate Internal Revenue Service Center at the address listed in the Instructions to Form 1099.

(k) *Use of magnetic media and substitute forms—(1) Magnetic media—*



(i) *General rule.* A real estate broker that is required to make a return of information under this section shall, except as otherwise provided in paragraph (k)(1)(ii) or (iii) of this section, submit the information required by this section on magnetic media (within the meaning of 26 CFR 301.6011-2). Returns on magnetic media shall be made in accordance with 26 CFR 301.6011-2 and applicable revenue procedures.

(ii) *Exception for low-volume filers.* A real estate broker may make the information returns required by this section on the prescribed paper Form 1099 for a calendar year if on the first day of that calendar year the real estate broker reasonably expects to file fewer than 250 returns under this section for that calendar year. In addition, a real estate broker may make such returns on the prescribed paper Form 1099 for a calendar year beginning after 1987 if the real estate broker was required to file fewer than 250 returns under this section for the prior calendar year.

(iii) *Undue hardship—(A) General rule.* The Commissioner may authorize a real estate broker to file information returns on the prescribed paper Form 1099 instead of on magnetic media if undue hardship is shown either on Form 8508, Request for Waiver From Filing Information Returns on Magnetic Media, or on a written statement requesting a waiver for undue hardship filed with the National Computer Center, Martinsburg, West Virginia in accordance with applicable revenue procedures.

(B) *Transition rule.* For calendar year 1987, the Commissioner will authorize filing on the prescribed paper Form 1099 if a Form 8508 or written application for waiver in good faith indicates that the real estate broker reasonably expects to be required to file fewer than 500 returns under this section for the year.

(2) *Substitute forms.* A real estate broker that is described in paragraph (k)(1)(ii) of this section or that receives permission to file returns on the prescribed paper Form 1099 under paragraph (k)(1)(iii) of this section may prepare and use a form that contains provisions identical with those of Form 1099 if the real estate broker complies with all applicable revenue procedures relating to substitute Form 1099, including any requirement relating to the use of machine-readable paper forms.

(l) *Requesting taxpayer identification numbers (TINs)—(1) Solicitation—(i) General requirements.* A real estate broker who is required to make an information return with respect to a real estate transaction under this section must solicit a TIN from the transferor at or before the time of closing. The

solicitation may be made in person or in a mailing that includes other items. Any person whose TIN is solicited under this paragraph (l) must furnish such TIN to the real estate broker and certify that the TIN is correct.

(ii) *Content of solicitation.* The solicitation shall be made by providing to the person from whom the TIN is solicited a written statement that the person is required by law to furnish a correct TIN to the real estate broker, and that the person may be subject to civil or criminal penalties for failing to furnish a correct TIN. For example, the solicitation may be worded as follows:

You are required by law to provide [insert name of real estate broker] with your correct taxpayer identification number. If you do not provide [insert name of real estate broker] with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law.

The solicitation shall contain space for the name, address, and TIN of the person from whom the TIN is solicited and for the person to certify under penalties of perjury that the TIN furnished is that person's correct TIN. The wording of the certification must be substantially similar to the following:

"Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number." The requirements of this paragraph (l)(1)(ii) may be met by providing to the transferor a copy of Form W-9 on which the following statement is substituted for the text of item (2) in the certification portion of the form: "I am providing my taxpayer identification number in connection with a real estate transaction." In the case of a real estate transaction for which a Uniform Settlement Statement is used, the requirements of this paragraph (l)(1)(ii) may be met by providing to the transferor a copy of such statement that is appropriately modified.

(iii) *Retention requirement.* The solicitation shall be retained by the real estate broker for four years following the close of the calendar year that includes the date of closing (as determined under paragraph (h)(2)(ii) of this section). Such solicitation must be made available for inspection upon request by the Internal Revenue Service.

(2) *No TIN provided.* A real estate broker that does not receive the transferor's TIN will not be subject to any penalty cross-referenced in paragraph (n) of this section by reason of failure to report such TIN if the real estate broker—

(i) Has complied with the requirements of paragraph (l)(1) of this

section in good faith (determined with proper regard for a course of conduct and the overall results achieved for the year); and

(ii) Certifies on the Form 1096 forwarding the information return required by this section with respect to such transferor that the solicitation requirements of this section have been met with respect to the returns so forwarded.

(m) *Furnishing statements to transferors—(1) Requirement of furnishing statements.* A real estate broker who is required to make a return of information under paragraph (a) of this section shall furnish to the transferor whose TIN is required to be shown on the return a written statement of the information required to be shown on such return. The written statement must bear either the legend shown on the recipient copy of Form 1099 or the following:

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

This requirement may be satisfied by furnishing to the transferor a recipient copy of a completed Form 1099 (or substitute Form 1099 that complies with current revenue procedures). In the case of a real estate transaction for which a Uniform Settlement Statement is used, this requirement also may be satisfied by furnishing to the transferor a copy of a completed statement that is conformed to comply with the requirements of this paragraph (m), and by designating on the Uniform Settlement Statement the items of information (such as gross proceeds or allocated gross proceeds) required to be set forth on the Form 1099. For purposes of this paragraph (m), a statement shall be considered furnished to a transferor if it is given to the transferor in person, either at the closing or thereafter, or is mailed to the transferor at the transferor's last known address.

(2) *Time for furnishing statement.* The statement required under this paragraph (m) shall be furnished to the transferor on or after the date of closing and before February 1 of the following calendar year.

(n) *Cross-reference to penalties.* See the following sections regarding penalties for failure to comply with the requirements of section 6045(e) and this section:

(1) Section 6721 for failure to file an information return;



(2) Section 6722 for failure to furnish a statement to the transferor;

(3) Section 6723 for failure to include correct information;

(4) Section 6676 for failure to supply identifying numbers; and

(5) Section 7203 for willful failure to supply information (including a taxpayer identification number).

(o) *Backup withholding requirements.* [Reserved.]

(p) *Effective date.* This section shall be effective for real estate transactions with dates of closing (as determined under paragraph (h)(2)(ii) of this section) that occur after December 31, 1986. No penalty will be imposed with respect to a transaction with a date of closing that occurs before May 4, 1987.

#### PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 3. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

##### § 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table

"§ 1.6045-3T..... 1545-0715".

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,  
Commissioner of Internal Revenue.

Approved: March 26, 1987.

J. Roger Mentz,  
Assistant Secretary of the Treasury.  
[FR Doc. 87-7387 Filed 4-1-87; 8:45 am]

BILLING CODE 4830-01-M

#### DEPARTMENT OF DEFENSE

##### Department of the Navy

##### 32 CFR Part 706

##### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Large Harbor Tug YTB-769

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that Large Harbor Tug YTB-769 is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval vessel. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** March 24, 1987.

##### FOR FURTHER INFORMATION CONTACT:

Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400. Telephone number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that Large Harbor Tug YTB-769 is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(b), pertaining to the placement of the sidelights; Rule 21(c), pertaining to the location of the sternlight; Rule 24(c), pertaining to the towing lights displayed by power driven vessels when pushing ahead or towing alongside; Rule 27(b)(i), pertaining to the

lights displayed by vessels restricted in their ability to maneuver; and Annex I, section 2(a)(i), pertaining to the height above the hull of the masthead light, without interfering with its special functions as a naval vessel. YTB-769 is a tug of special construction and functions. It performs towing services for naval vessels. The mast of this tug is hinged and is lowered when towing alongside or pushing ships having radically flared bows or sponsoned sides and sterns. When the mast is in the lowered position, the masthead lights, and task light mounted on this mast, cannot be displayed. During such operation, only the pilot house top-mounted auxiliary masthead light, sidelights, and sternlight will be exhibited. The Secretary of the Navy has further certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

##### List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water).  
Vessels.

##### PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

##### § 706.2 [Amended]

2. Table 3 of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights, arc of visibility; Rule 21(a)	Side lights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; Sec. 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; Sec. 2(k), Annex I
	YTB-769				2.77	14.02		

3. Note 23, Table Four of § 706.2 is amended by adding the following vessel:

Vessel No.	Distance in meters of aux. masthead light below minimum required height. Annex I, Sec. 2(a)(i)
YTB-769	3.86.

Dated: March 24, 1987.

Approved.

James F. Goodrich,  
Acting Secretary of the Navy.

[FR Doc. 87-7393 Filed 4-2-87; 8:45 am]

BILLING CODE 3810-AE-M



## 32 CFR Part 706

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Large Harbor Tug YTB-789****AGENCY:** Department of the Navy, DOD.**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that Large Harbor Tug YTB-789 is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval vessel. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** March 24, 1987.

**FOR FURTHER INFORMATION CONTACT:** Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400. Telephone number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C.

1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that Large Harbor Tug YTB-789 is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(b), pertaining to the placement of the sidelights; Rule 21(c), pertaining to the location of the sternlight; Rule 24(c), pertaining to the towing lights displayed by power driven vessels when pushing ahead or towing alongside; Rule 27(b)(i), pertaining to the lights displayed by vessels restricted in their ability to maneuver; and Annex I, section 2(a)(i), pertaining to the height above the hull of the masthead light, without interfering with its special functions as a naval vessel. YTB-789 is a tug of special construction and functions. It performs towing services for naval vessels. The mast of this tug is hinged and is lowered when towing alongside or pushing ships having radically flared bows or sponsored sides and sterns. When the mast is in the lowered position, the masthead lights, and task lights mounted on this mast, cannot be displayed. During such operation, only the pilot house top-mounted auxiliary masthead light, sidelights, and sternlight will be

exhibited. The Secretary of the Navy has further certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comments prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (Water), and Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

2. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights, arc of visibility; rule 21(a)	Side lights, arc of visibility; rule 21(b)	Stern light, arc of visibility; rule 21(c)	Side lights, distance inboard of ship's sides in meters; sec. 3(b), Annex I	Stern light distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; sec. 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; sec. 2(k), Annex I
YTB-789					2.50	14.99		

3. Note 23, Table Four of § 706.2 is amended by adding the following vessel:

Vessel No.	Distance in meters of aux. masthead light below minimum required height; Annex I, sec. 2(a)(i)
YTB-789	3.66

Dated: March 24, 1987.

Approved.

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 87-7394 Filed 4-1-87; 8:45 am]

BILLING CODE 3810-AE-M

**POSTAL SERVICE****39 CFR 111****Domestic Mail Manual; Miscellaneous Amendments****AGENCY:** Postal Service.**ACTION:** Final rule.

**SUMMARY:** The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for issue 22 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, 39 CFR 111.1.

Most of the revisions are minor, editorial, or clarifying. Substantive changes, such as the revised regulations on post office closing procedures, the return of books and sound recordings found loose in the mail, and so-called

Plus publications, have previously been published in the Federal Register.

**EFFECTIVE DATE:** January 22, 1987.**FOR FURTHER INFORMATION CONTACT:**

Paul J. Kemp, (202) 268-2960.

**SUPPLEMENTARY INFORMATION:** The Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 30 CFR 111.1) has been amended by the publication of a transmittal letter for issue 22, dated January 22, 1987. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 22 covers the



minor changes not previously described in interim or final rules published in the Federal Register.

**Note.**—This issue is a complete revision of the DMM, containing changes published in the Postal Bulletin between September 4, 1986, and January 22, 1987 (Postal Bulletins 21582 through 21603), and updates reflecting changes in management structure that may not have been cited in Postal Bulletin articles.

#### Summary of Changes

1. \* \* \*
2. Exhibit 122.63a is revised to show updated label instructions for multi-ZIP Coded post offices (PB 21598, 12-18-86; PB 21603, 1-22-87). Exhibits 122.63d(p. 1), 122.63e(p. 2), 122.63 f(p.1), 122.63g(p. 1), and 122.63j (p.1) are updated (PB 21598, 12-18-86). Exhibit 122.63h, Exhibit 122.63k(p. 1), and Exhibit 122.63l are revised to reflect labeling changes for third- and fourth-class irregular parcels and machinable parcels destined for BMC Washington, DC (PB 21598, 12-18-86). Exhibits 122.63p; through 122.63r are added to provide originating mixed states labeling lists for mailer prepared second-class publications (PB 21591, 10-30-86).
3. Exhibit 125.2 is revised to reflect changes in the restrictions applied to mail addressed to military post offices (PB 21583, 9-11-86; PB 21586, 9-25-86; PB 21591, 10-30-86; PB 21595, 11-27-86).
4. Sections 137.153 and 137.154 are revised to change the forwarding procedures for PS Form 103, *Originating Franked Mail* (PB 21589, 10-16-86).
5. Section 137.252, *Agency Authorization Codes*, is revised and updated to clarify the requirements for standard penalty indicia: mail and permit imprint numbers (PB 21597, 12-11-86).
6. Section 141.27, *nonstandard Printing*, is revised to permit the use of different typefaces and/or inks on printed stamped envelopes (those with printed return address information) for orders of one million or more (PB 21586, 9-25-86).
7. Sections 143.331(3), 143.333, 145.41, and 145.5a through 145.5d are revised. Section 143.331(4) is added to allow mailers the option of printing the endorsement, *Mailed from ZIP Code*, followed by the 5-digit ZIP Code in lieu of printing the name of the city and state of mailing in the mailer's precanceled postmark and the permit imprint (PB 21587, 10-2-86).
8. Part 144 is revised to (a) prohibit the date of mailing for metered reply mail in the metered reply mail section (144.112e); (b) specifically state that post offices will retain for return to the manufacturer lost, stolen, or unlicensed meters that are presented for examination or setting (144.313); (c) add bulk mail acceptance units (BMAUs) to the list of units required to perform a quarterly verification of metered mail (144.61b); and (d) correct a reference (144.342i) (PB 21587, 10-2-86).
9. Sections 144.112 and 281 are revised to allow mailers to use premetered reply envelopes for Express Mail Service (PB 21587, 10-2-86).
10. Section 144.64 is revised to update post offices' reporting instructions to reflect

current data processing requirements (PB 21583, 9-11-86).

11. Section 145.44 is revised to permit the required return address of a mailing piece bearing a company imprint to be printed below the imprint on unendorsed pieces that are mailed at the bulk third-class rate of postage (PB 21598, 12-18-86).

12. Sections 149.251d and 149.252l are revised to allow payments for insured crickets (PB 21594, 11-13-86).

13. Section 149.441b(5) is revised to make the processing time for Form 565, *Registered Mail Application for Indemnity*, compatible with the processing time for Form 3812, *Request for Payment of Domestic Postal Insurance*, which is used for both insured and COD claims (DMM 149.343) (PB 21596, 12-4-86).

14. Section 154.53 is added to provide that makeup requirements for plant loaded vehicles are determined according to the destination of the mailing. DMM 154.54 is added to require that if a plant load mailing does not meet the preparation requirements, the mailer must either (a) rework the mailing to meet the requirements or (b) transport the mailing at the mailer's expense to another postal facility designated by the origin postmaster where the mailing will be accepted and verified. Section 154.9 is revised to clarify what the Postal Service and mailers must do to comply with new plant load requirements (PB 21591, 10-30-86).

15. Sections 159.213, 291.1, 391.1, and 391.2 are revised to clarify that the forwarding period for First-Class and Express Mail is 12 months (PB 21590, 10-23-86).

16. \* \* \*

17. Section 165.2 is revised to reflect establishment of the Philatelic Affairs Department and to add authorization for the Manager, Stamp Information Branch, to approve the use of U.S. postage stamps and stationery and other philatelic products for information and official postal business purposes and as official presentations for the Postal Service.

18. Section 292.1 is revised to reflect forwarding requirements for Express Mail (PB 21598, 12-18-86).

19. Sections 381.1 and 781 are revised to clarify that the single-piece postage rate for nonidentical weight pieces may be paid by permit imprint only under the provisions of DMM 145.8, *Optional Acceptance Procedure*; DMM 145.9, *Alternate Methods of Paying Postage*; or DMM 137.274c(2) *Exception for GPO Contractor Mailings* (PB 21597, 12-11-86).

20. Sections 412.1c, 441.112, 442.11, and 442.12 are revised and a new section 442.4 is added to clarify requirements for establishing and using additional entry post offices for second-class publications, including the submission of Form 3510, *Application for Additional Entry, Reentry, or Special Rate Request for Second-Class Publication*, payment of appropriate fees and procedures for application, modification, and cancellation of such entries (PB 21600, 1-1-87).

21. \* \* \*

22. \* \* \*

23. Sections 464, 667, 767, and Exhibit 122.63 are revised to incorporate new mixed

states labeling requirements for mailer prepared sacks of second- and third-class mail prepared at the basic rate and fourth-class mail prepared as bound printed matter (PB 21591, 10-30-86).

24. Sections 622.1 and 667.3 are revised to allow mailers to prepare 3-digit carrier routes sacks containing fewer than 125 pieces or 15 pounds of qualifying carrier route presorted mail and to qualify this mail at the carrier route presort level rate (PB 21586, 9-25-86). The last two sentences of 691.5 are deleted (PB 21598, 12-18-86).

25. Section 642.13 is revised to permit mailers already authorized to use the special bulk third-class rates to mail at an additional office as long as the organization remains eligible for and retains its original authorization (PB 21601, 1-8-87).

26. Section 914.11 is revised to make it clear that return receipt and restricted delivery services are also available for collect-on-delivery (COD) mail (PB 21590, 10-23-86).

27. Section 932.43 is added to clarify that the Postal Service will provide mailers Form 3811-A, *Request for Return Receipt (After Mailing)*, free if the mailer fails to receive the return receipt service for which the fee had been paid (PB 21590, 10-23-86).

28. Minor editorial and typographical changes have been made to 111.51, 128.43b, 135.1b, 144.342i, 154.521c(2), 441.113, 411.342, 724.24b, 951.122, 951.29, and 952.125.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### PART 111—GENERAL INFORMATION ON POSTAL SERVICE

1. The authority citation for 39 CFR Part 111 is revised to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

#### § 111.3 Amendments to the Domestic Mail Manual.

Transmittal letter for issue	Dated	Federal Register publication
22	January 22, 1987.	52 FR (insert page number)

Fred Eggleston,

Assistant General Counsel Legislative Division.

[FR Doc. 87-7340 Filed 4-2-87; 8:45 am]

BILLING CODE 7710-12-M



**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

(A-4-FRL-3179-3; NC-031)

**Approval and Promulgation of Implementation Plans; North Carolina****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** EPA is today approving revisions to Regulation 15 NCAC 2D.0501, which were submitted as State Implementation Plan (SIP) revisions by the State of North Carolina. These revisions will update part of the State's stack testing procedures used for calculating emission rates of pollutants in pounds of pollutant per million BTU of heat input.

**DATES:** This action will be effective on June 2, 1987. Unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments should be addressed to Stuart Perry of EPA Region IV (address below). Copies of the material submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401  
M Street, SW., Washington, DC 20460  
Environmental Protection Agency,  
Region IV, Air Programs Branch, 345  
Courtland Street, N.E., Atlanta,  
Georgia 30365

Air Quality Section, Division of  
Environmental Management, North  
Carolina Department of Natural  
Resources and Community  
Development, Archdale Building, 512  
North Salisbury Street, Raleigh, North  
Carolina 27611

**FOR FURTHER INFORMATION CONTACT:**  
Stuart D. Perry of the EPA Region IV Air  
Programs Branch at the address given  
above, telephone (404) 347-2864 or FTS  
257-2864.

**SUPPLEMENTARY INFORMATION:** On  
October 14, 1986, the North Carolina  
Department of Natural Resources and  
Community Development submitted to  
EPA for approval revisions to the North  
Carolina State Implementation Plan  
(SIP), and EPA is today approving the  
revisions. This submittal contained  
certification that the revisions were  
preceded by adequate notice and a  
public hearing. A discussion of these  
revisions now follows:

Regulation 15 NCAC 2D.0501  
(Compliance with Emission Standards)

was amended to update part of the stack testing procedures. In subparagraph (c)(14), the method required by North Carolina for determining emission rates for wood or fuel burning sources, which are expressed in units of pounds per million BTU, has been amended to require methodology based upon the "Oxygen-Based F Factor Procedure" as described in 40 CFR Part 60, Appendix A, Method 19, section 5. Previously, the State required a procedure which involved more steps and measurements than the "Oxygen-Based F Factor Procedure."

The "Oxygen-Based F Factor Procedure" requires the tester to obtain a measurement from the flue gas of the pollutant concentration (in pounds of pollutant per standard cubic foot of flue gas) and the percent of oxygen in the flue gas, (each can be measured by a continuous emission monitor) and use these values in a simple equation which will determine the emission rate in pounds per million BTU of heat input. For example, if calculated on a dry basis, the emission rate "E" in pounds per million BTU is equal to

$$E = C_d F_d \left( \frac{20.9}{20.9 - \% O_{2d}} \right)$$

where:

$C_d$  = pollutant concentration (pounds per dry standard cubic foot).

$F_d$  = oxygen-based F factor dry basis (dry standard cubic foot per million BTU).

$\% O_{2d}$  = percent oxygen in flue gas on dry basis.

F factors are given in Table 19-1 and are available for standard fuels such as coal, oil, gas, wood, and wood bark.

In paragraph (g), the effective date for the version of the methods referenced in paragraph (c) of this regulation 15 NCAC 2D.0501 has been amended to reflect that which appeared in the Code of Federal Regulations as of May 1, 1986.

**Final Action**

EPA has reviewed this change in the regulatory part of the North Carolina SIP and is approving the revision as submitted. This action is taken without prior proposal because the change is noncontroversial and EPA anticipates no comments on it. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action

and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate Circuit by June 2, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. section 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Incorporation by reference of the North Carolina State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

**List of Subjects in 40 CFR Part 52**

Air pollution control,  
Intergovernmental relations,  
Incorporation by reference.

Dated: March 24, 1987.

Lee M. Thomas,

Administrator.

**PART 52—[AMENDED]**

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

**Subpart II—North Carolina**

2. Section 52.1770 is amended by adding paragraph (c)(53) to read as follows:

**§ 52.1770 Identification of plan.**

\* \* \*

(c) \* \* \*

(53) Revisions to 15 NCAC, regulation 2D.0501 were submitted to EPA on October 14, 1986.

(i) Incorporation by reference.

(A) Letter of October 14, 1986, from the North Carolina Department of Natural Resources and Community Development, and revisions to 15 NCAC, regulation 2D.0501 which were adopted by the Environmental Management Commission on September 11, 1986.

(ii) Additional material—none.

[FR Doc. 87-7256 Filed 4-2-87; 8:45 am]

BILLING CODE 6560-50-M



## 40 CFR Part 799

[OPTS-42030E; FPL-3180-8]

**Mesityl Oxide; Clarification of Final Test Rule****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final Rule; Notice of clarification of final test rule.

**SUMMARY:** In the Federal Register of December 20, 1985, EPA issued a final Phase I test rule establishing testing requirements under section 4(a) of the Toxic Substances Control Act (TSCA) for manufacturers and processors of mesityl oxide (MO; CAS No. 141-79-7). At that time, EPA specified that those who manufacture or process mesityl oxide are subject to the rule. The Agency did not choose to exclude those who manufacture MO as a byproduct from the rule. Since that time, the Agency has been informed that those who use or process acetone under acidic conditions may manufacture MO as a byproduct. This document clarifies the rule by restating that those who manufacture MO as a byproduct are subject to this rule and must either submit a notice of intent to test or an exemption application in accordance with the requirements of 40 CFR 790.45.

**EFFECTIVE DATE:** The effective date of this rule was February 3, 1986.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202-554-1404).

**SUPPLEMENTARY INFORMATION:** This notice clarifies who is subject to the test rule for MO.

**I. Background**

The Phase I final test rule for MO specifies that all persons who manufacture or process or intend to manufacture or process MO from the effective date of the rule (February 3, 1986) to the end of the reimbursement period shall submit letters of intent to conduct testing or exemption applications, study plans, and/or shall conduct tests and submit data (see 40 CFR 799.2500(b)(1), published in the Federal Register of December 20, 1985 (50 FR 51857, 51867)).

The Phase I test rule exempts persons who manufacture or process MO only as an impurity from the testing and reimbursement requirements. EPA stated in the preamble to the rule that persons who manufacture or process MO as a byproduct are subject to the rule (50 FR 51863). The definitions for

byproduct and impurity are provided in the data reimbursement rule (40 CFR 791.3). In part, the Agency chose to require testing by those who manufacture and process MO as a byproduct while exempting those doing so solely as an impurity because it considered the former activities to constitute intentional manufacture and processing while it believed that persons engaged in the latter activities often would be unaware that another substance contained MO as an impurity. At that time, EPA had not identified any persons who manufactured or processed MO as a byproduct.

On October 29, 1986, Hoffman LaRoche, Inc., notified EPA that it produces over 12,000 pounds of MO daily during the manufacture of Vitamin C. The MO is manufactured when acetone (the carrier solvent used in the synthesis of Vitamin C) enters an acidic environment and some is converted into MO. Hoffman LaRoche also processes this MO for reuse by converting it back into acetone. A small volume of the MO, which is found as a component of its reactor vessel residue, is disposed of as a hazardous waste (Ref. 1 below).

A wide variety of chemical processes utilize acetone either as a carrier or process solvent or as an intermediate (Table 1 below). These processes may result in the generation of MO as a byproduct.

The Agency has identified several implementation problems associated with making those who manufacture a chemical solely as a byproduct of the processing or use of another substance and those who intentionally manufacture a chemical equally subject to all provisions of a section 4 test rule. The Agency has been evaluating ways to rectify these problems. One possible solution would be to modify 40 CFR Parts 790 and 791 so that those who manufacture a chemical solely as a byproduct of the processing or use of another substance would be subject to only those provisions that processors of the test rule chemical must now comply with. However, such modifications to final rules must first be proposed and opened to public comment before they can be issued as final rules. In the interim, persons situated like Hoffman LaRoche, producing MO as a byproduct in the above or other types of processes, are considered to be manufacturers of MO and are subject to the requirements of the MO test rule that apply to manufacturers. They have an obligation to submit a notice of intent to test or to apply for an exemption from testing.

**Table 1.—Uses of Acetone**

*Chemical intermediate uses in the production of:*

Methacrylates  
Methyl isobutyl ketone  
Methyl isobutyl carbinol  
Mesityl oxide  
Bisphenol A  
Hexylene glycol  
Isophorone  
Ketene  
Isopropylamines  
Diacetone alcohol  
Methyl isoamyl ketones  
Pentoxone  
Pharmaceuticals

*Solvent uses in:*

Paints, paint strippers, varnishes, and lacquers.

Other resin solutions—adhesives, thinners, nitrocellulose cement and heatseal coatings, vinyl-type grease resistant coatings.

Manufacture of acetate fibers.

Specification testing of vulcanized rubber products.

**II. Final Phase I Test Rule****A. Exemption Procedures**

The Agency specified that within 30 days after the effective date of the final Phase I rule, each MO manufacturer must either (1) notify EPA that it intends to conduct or sponsor testing and submit study plans for the required tests, or (2) apply for an exemption on a belief that testing will be performed by others.

**B. Conditional Exemptions**

The final rule for test rule development and exemption procedures in 40 CFR Part 790 indicates that, when certain conditions are met, exemption applications will be notified by certified mail or in the final Phase II test rule for a given substance that they have received conditional exemptions from test rule requirements. The exemptions granted are conditional because they will be given based on the assumption that the test sponsors will complete the required testing according to the test standards and reporting requirements established in the final Phase II test rule for the given substance. TSCA section 4(c)(4)(B) provides that if an exemption is granted prospectively (that is, on the basis that one or more persons are developing test data, rather than on the basis of prior test data submissions), the Agency must terminate the exemption if any test sponsor has not complied with the test rule.

Sponsors have indicated to EPA by letter of intent (Ref. 2 below) their agreement to sponsor all of the tests required for MO in the final Phase I test rule for this substance (50 FR 51857; December 20, 1985). The Agency plans



to grant conditional exemptions to all exemption applicants for all of the testing required for MO in 40 CFR 799.2500 when it promulgates the final Phase II test rule for MO.

### *C. Manufacturers Must Submit Letters of Intent of Exemption Applications*

The promulgation date for the MO Phase I final rule was established as 1 p.m. eastern standard time on January 6, 1986. The effective date of this rule was February 3, 1986. Manufacturers had until March 5, 1986, to submit either a letter of intent to conduct the required tests or an application for exemption according to the procedures specified in 40 CFR 790.45. Throughout the rulemaking proceedings for MO, the Agency was unaware that a wide diversity of manufacturing processes may generate MO as a byproduct. Furthermore, this matter was not brought to the Agency's attention during the public meetings held on the proposed test rule. Because EPA clearly stated in the preamble to the rule that persons who manufacture or process MO as a byproduct are subject to the rule (50 FR 51863), EPA believes that persons producing MO as a result of processing or using acetone in an acidic environment should have been aware that they were subject to the rule. Nevertheless, EPA is now amplifying the guidance given in the preamble to the final test rule to make this explicit. The rule also specified that processors of MO who are not also manufacturers of MO are not required to submit letters of intent to test or exemption applications unless manufacturers fail to sponsor the required tests (50 FR 51864). Although several manufacturers have notified EPA of their intent to conduct the required testing (Ref. 2), those who manufacture MO as a byproduct are still required to submit either a notice of intent to test or an application for exemption.

Persons who manufacture MO and have not submitted a notice of intent to test or an application for exemption from testing are encouraged to do so. EPA will take into consideration voluntary disclosure of noncompliance with this requirement when determining the appropriate enforcement response for this violation of a TSCA section 4 test rule. The Agency gives additional consideration for disclosure within 30 days of knowledge of the violation. Unlike noncompliance that is voluntarily disclosed, violations detected by the Agency are subject to the full penalties provided in the Agency's TSCA section 4 Enforcement Response Policy.

### III. References

- (1) Hoffman LaRoche, Inc., Nutley, NJ 07110. Letter from Mark Lewis to Charles Elkins, Director, Office of Toxic Substances, Environmental Protection Agency, Washington, DC 20460. (October 29, 1986).
  - (2) CMA. Chemical Manufacturers Association. Letter from Geraldine Cox, Chemical Manufacturers Association, 2501 M St., NW., Washington, DC 20037 to TSCA Public Information Office, U.S. Environmental Protection Agency, Washington, DC 20460. (March 3, 1986).
- Dated: March 26, 1987.  
 Charles L. Elkins,  
 Director, Office of Toxic Substances.  
 [FR Doc. 87-7384 Filed 4-2-87; 8:45 am]  
 BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA 6748]

### List of Communities Eligible for the Sale of Flood Insurance

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATES:** The dates listed in the fourth column of the table.

**ADDRESS:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone (800) 638-7418.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Central Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and

administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

### List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.



State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Kansas: Wilson <sup>1</sup>	Unincorporated areas	200617	Jan. 2, 1987, Emerg.	June 7, 1977.
Michigan: Charlevoix	Charlevoix, township of	260790—New	Jan. 9, 1987, Emerg.	
Texas: Fort Bend	Richmond, city of	480231A	Mar. 31, 1975, Emerg.; Sept. 11, 1981, Withdrawn; Jan. 9, 1987, Rein.; Jan. 9, 1987, Reg.	June 28, 1974 and Mar. 1, 1982.
Georgia: Haralson	Unincorporated areas	130495—New	Jan. 16, 1987, Emerg.	
Oklahoma: Cherokee <sup>1</sup>	do	400488	Jan. 9, 1987, Emerg.	Jan. 10, 1978.
Caddo <sup>1</sup>	Hydro, town of	400024A	do	July 26, 1974.
Kingfisher <sup>2</sup>	Unincorporated areas	400471	do	
Pennsylvania: Armstrong	Hovey, township of	42229A	Apr. 7, 1976, Emerg.; Nov. 1, 1986, Reg.; Dec. 18, 1986, Susp.; Jan. 15, 1987, Rein.	Jan. 24, 1975 and Nov. 1, 1986.
Venango	Cherrytree, township of <sup>2</sup>	422530A	Mar. 8, 1977, Emerg.; Jan. 1, 1987, Reg.; Jan. 1, 1987, Susp.; Jan. 15, 1987, Rein.	Jan. 10, 1975 and Jan. 1, 1987.
Fayette	Henry Clay, township of <sup>2</sup>	421626B	Sept. 21, 1976, Emerg.; Jan. 1, 1987, Reg.; Jan. 1, 1987, Susp.; Jan. 16, 1987, Rein.	Dec. 6, 1974, Feb. 1, 1980 and Jan. 1, 1987.
Michigan: Sanilac	Sanilac, township of	260791—New	Jan. 20, 1987, Emerg.	
Colorado: Pitkin	Snowmass Village, town of	080312—New	Jan. 29, 1987 Emerg.	
Michigan: Huron	Hume, township of	260792—New	Jan. 29, 1987, Emerg.	
Allegan	Martin, village of	260793—New	do	
Grand Traverse	Whitewater, township of	260794—New	do	
Wisconsin: Lafayette	South Wayne, village of	550231A	Jan. 29, 1987, Emerg.; Jan. 29, 1987, Reg.	May 28, 1976 and Dec. 7, 1973.
New Hampshire: Cheshire	Westmoreland, town of	330238A	Oct. 12, 1976, Emerg.; Apr. 2, 1986, Reg.; Apr. 2, 1986, Susp.; Jan. 22, 1987, Rein.	Jan. 17, 1975 and Apr. 2, 1986.
Ohio: Hamilton	Reading, city of	390207B	Aug. 27, 1975, Emerg.; Dec. 18, 1986, Reg.; Dec. 18, 1986, Susp.; Jan. 23, 1987, Rein.	Feb. 8, 1974, Apr. 16, 1976, May 18, 1979 and Dec. 18, 1986.
Virginia: Mathews	Unincorporated areas	510096B	Feb. 4, 1987, Susp.	Nov. 8, 1974, Sept. 17, 1976 and Feb. 4, 1987.
Pennsylvania: Westmoreland	Mt. Pleasant, borough of <sup>2</sup>	422181B	Feb. 1, 1987, Susp.	
Venango	Oakland, township of <sup>2</sup>	422111B	do	
Maryland: St. Mary's	Unincorporated areas	240064B	Feb. 19, 1987 Susp.	
Ohio: Hamilton	Reading, city of	390207B	Aug. 27, 1975, Emerg.; Dec. 18, 1986, Reg.; Dec. 18, 1986, Susp.; Feb. 19, 1987, Rein.	
Pennsylvania: Westmoreland	Southwest Greenburg, borough of	420901C	June 30, 1976, Emerg.; Nov. 19, 1986, Reg.; Jan. 2, 1987, Susp.; Feb. 27, 1987, Rein.	Feb. 1, 1974, Sept. 26, 1975, June 30, 1976 and Nov. 19, 1986.
Forest	Tionesta, borough of	421648A	May 12, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.; Mar. 2, 1987, Rein.	Mar. 29, 1974, May 11 1976 and Nov. 5, 1986.
Michigan: Mackinac	Bois Blanc, township of	260795—New	Feb. 27, 1987, Emerg.	
Kentucky: Garrard	Unincorporated areas	210361—New	do	
Taylor	Buffalo Gap, town of	481138	do	Nov. 19, 1976.
Hardin	Kountze, city of	480845	do	June 25, 1976.
Madison	Unincorporated areas	481180	do	
Texas: Montgomery	Splendora, city of	480488B	Feb. 27, 1987, Emerg.; Feb. 27, 1987, Reg.	Aug. 30, 1974, Mar. 5, 1976 and Aug. 1, 1984.
Aransas	Fulton, town of <sup>3</sup>	480012	Feb. 27, 1987, Emerg.; Feb. 27, 1987, Reg.	
Wharton	Unincorporated areas	480652C	Feb. 27, 1987, Emerg.; Feb. 27, 1987, Reg.	Apr. 18, 1983, June 12, 1979, June 20, 1978 and Aug. 2, 1974.

<sup>1</sup> Declared disaster areas.<sup>2</sup> Minimal conversions.<sup>3</sup> The Town of Fulton has adopted as part of its ordinance Aransas County's effective FIRM dated 3-4-85 for flood insurance and floodplain management purposes.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
<b>Region I</b>			
Maine: Belgrade, town of, Kennebec County	230232B	Jan. 16, 1987, suspension withdrawn	Jan. 31, 1975, May 14, 1976, and Jan. 16, 1987.
Vermont: Burlington, city of, Chittenden County	500032C	do	July 19, 1984, Nov. 15, 1978, and Jan. 16, 1987.
<b>Region II</b>			
New York: Delaware, town of, Sullivan County	360818E	do	June 28, 1974, Jan. 3, 1975, June 25, 1976, Jan. 21, 1977, Nov. 18, 1983, and Jan. 16, 1987.
<b>Region III</b>			
Virginia: Iron Gate, town of, Alleghany County	510220	do	Aug. 30, 1974, Mar. 19, 1976, and Jan. 16, 1987.
<b>Region IV</b>			
Florida: Lafayette County, unincorporated areas	120131B	do	May 27, 1977, and Jan. 16, 1987.
Branford, town of, Suwannee County	120301B	do	Jan. 9, 1974, Nov. 7, 1975, and Jan. 16, 1987.
Kentucky: Stanton, city of, Powell County	210196B	do	May 24, 1974, Mar. 5, 1976, and Jan. 16, 1987.
Tennessee: Pulaski, city of, Giles County	470067C	do	May 24, 1974, Jan. 30, 1976, Aug. 29, 1980, and Jan. 16, 1987.
<b>Region V</b>			
Minnesota: Winona County, unincorporated areas	270525C	do	Oct. 26, 1979, Apr. 21, 1978, Oct. 18, 1974, and Jan. 18, 1984.
<b>Region VI</b>			
Arkansas: Clinton, city of, Van Buren County	050211C	do	June 21, 1974, June 4, 1976, July 17, 1979, Jan. 16, 1987, and Nov. 1, 1986.



State and location	Community No	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
<b>Region VIII</b>			
Utah: Junction, town of, Pulte County	490096B	do	Aug. 8, 1975 and Jan. 16, 1987
<b>Region I</b>			
Vermont: Windoski, city of, Chittenden County	500044C	Feb. 4, 1987, suspension withdrawn	Feb. 1, 1974, Aug. 1, 1978, and Feb. 4, 1987
<b>Region II</b>			
New Jersey: Dover, town of, Morris County	340340C	do	Mar. 16, 1973, July 9, 1976, Sept. 5, 1979, and Feb. 4, 1987
New York:			
Colchester, town of, Delaware County	360191C	do	June 28, 1974, Nov. 14, 1975, Jan. 3, 1986, and Feb. 4, 1987
Otego, town of, Otego County	361284B	do	Oct. 29, 1976 and Feb. 4, 1987
<b>Region IV</b>			
Georgia:			
Hinesville, city of, Liberty County	130125C	do	Feb. 25, 1977, Sept. 16, 1982, and Feb. 4, 1987
Richmond County, unincorporated areas	130158b	do	Oct. 24, 1975, Mar. 4, 1980, and Feb. 4, 1987
North Carolina:			
Beaufort County, unincorporated areas	370013B	do	July 22, 1977 and Feb. 4, 1987
Creswell, town of Washington County	370443A	do	Feb. 4, 1987
Hyde County, unincorporated areas	370133B	do	Dec. 27, 1974, June 16, 1978, and Feb. 4, 1987
Burnettown, town of, Aiken County	450004A	do	Oct. 25, 1974 and Feb. 4, 1987
South Carolina: Greenwood, city of, Greenwood County	450093C	do	June 21, 1974, Sept. 3, 1976, June 27, 1980, and Feb. 4, 1987
<b>Region V</b>			
Indiana:			
Kosciusko County, unincorporated areas	180121C	do	Dec. 27, 1974, Sept. 9, 1977, and Feb. 4, 1987
Syracuse, town of, Kosciusko County	180122C	do	Aug. 9, 1974, June 11, 1976, and Feb. 4, 1987
Winona Lake, town of, Kosciusko County	180124C	do	May 3, 1974, Apr. 30, 1976, Sept. 4, 1985, and Feb. 4, 1987
Warsaw, city of, Kosciusko County	180123C	do	May 10, 1974, May 28, 1976, and Feb. 4, 1987
Michigan: Litchfield, city of, Hillsdale County	260409C	do	July 11, 1975, Oct. 10, 1975, May 4, 1979, and Feb. 4, 1987
Ohio:			
Marion County, unincorporated area	390774C	do	Jan. 6, 1978, Nov. 10, 1978, and Feb. 4, 1987
Coshocton County, unincorporated area	390765	do	Jan. 20, 1978 and Feb. 4, 1987
Green Camp, village of, Marion County	390374C	do	Nov. 16, 1973, May 21, 1976, Dec. 14, 1979, and Feb. 4, 1987
Prospect, village of, Marion County	390377C	do	Nov. 23, 1973, May 28, 1976, and Feb. 4, 1987
La Rue, village of, Marion County	390375C	do	Nov. 23, 1973, May 28, 1976, Aug. 5, 1977, and Feb. 4, 1987
<b>Region VI</b>			
Texas: Fort Bend County Municipal Utility District No. 25, Fort Bend County	481570B	do	July 19, 1976, Dec. 20, 1977, and Feb. 4, 1987
<b>Region VII</b>			
Kansas: Florence, city of, Marion County	200494B	do	Aug. 6, 1976, Oct. 17, 1978, and Feb. 4, 1987
<b>Region IX</b>			
Arizona: Oro Valley, town of, Pima County	040109D	do	Apr. 11, 1975, July 16, 1976, Dec. 4, 1979, Feb. 1, 1983, and Feb. 4, 1987
Nevada: Lyon County, unincorporated areas	320029C	do	Jan. 31, 1978, Sept. 30, 1982, and Feb. 4, 1987
<b>Region II</b>			
New Jersey: Wharton, borough of, Morris County	340364B	Feb. 19, 1987, suspension withdrawn	Mar. 3, 1974, Apr. 16, 1976, and Feb. 19, 1987
New York:			
Tusten, town of, Sullivan County	360831C	do	Aug. 9, 1974, Sept. 17, 1976, Aug. 27, 1982, and Feb. 19, 1987
Ulysses, town of, Tompkins County	360854B	do	June 14, 1974, Aug. 13, 1976, and Feb. 19, 1987
<b>Region IV</b>			
Georgia: Rincon, city of, Effingham County	130426A	do	Apr. 11, 1975 and Feb. 19, 1984
Kentucky:			
Lewis County, unincorporated areas	210141B	do	Dec. 20, 1974, June 17, 1977, and Feb. 19, 1987
Vanceburg, city of, Lewis County	210142B	do	Feb. 1, 1974, Mar. 5, 1976, and Feb. 19, 1987
North Carolina: Mount Airy, town of, Surry County	370226C	do	June 28, 1974, May 14, 1976, Feb. 1, 1981, and Feb. 19, 1987
<b>Region V</b>			
Michigan:			
Alabaster, township of, Iosco County	260249A	do	Jan. 3, 1975 and Feb. 19, 1987
Dexter, township of, Washtenaw County	260536B	do	July 18, 1975, Oct. 1, 1976 and Feb. 19, 1987
Fowlerville, village of, Livingston County	260439C	do	Sept. 26, 1975 and Feb. 19, 1987
Minnesota: Scott County, Unincorporated Areas	270428C	do	Oct. 20, 1974 and Feb. 19, 1987
<b>Region VII</b>			
Colorado: Holyoke, town of, Phillips County	080141B	do	June 28, 1974, Jan. 9, 1976 and Feb. 19, 1987
North Dakota: Fargo, city of, Cass County	38536D	do	Apr. 10, 1970, May 1, 1971, July 1, 1974, Apr. 23, 1978, Dec. 1, 1978, Jan. 19, 1982 and Feb. 19, 1987
Colorado: Poncha Springs, town of, Chaffee County	080220A	do	Aug. 29, 1975 and Feb. 19, 1987
<b>Region IX</b>			
California: Pacifica, city of, San Mateo County	060323D	do	Jan. 28, 1974, Dec. 5, 1975, Sept. 26, 1978 Feb. 4, 1981 and Feb. 19, 1987
<b>Region X</b>			
Idaho:			
Cambridge, city of, Washington County	160199A	do	Aug. 8, 1975 and Feb. 19, 1987
Midvale, city of, Washington County	160123B	do	Sept. 13, 1974, Sept. 19, 1975 and Feb. 19, 1987
Washington County, Unincorporated Areas	160221B	do	Dec. 26, 1979 and Feb. 19, 1987



State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Weiser, city of, Washington County	160124B	do	June 21, 1974, Dec. 12, 1975 and Feb. 19, 1987.
Oregon:			
Pendleton, city of, Umatilla County	410211E	do	May 4, 1973, Sept. 26, 1975, July 13, 1976, Nov. 3, 1978, Sept. 1, 1981 and Feb. 9, 1987.
Wilsonville, city of, Clackamas County	410025C	do	Mar. 29, 1974, Aug. 6, 1976, Jan. 6, 1982 and Feb. 19, 1987.
<b>Region I</b>			
Maine:			
Greenville, township of, Piscataquis County	230409C	March 4, 1987, suspension withdrawn	Feb. 14, 1975, Feb. 4, 1977, Jan. 18, 1984 and Mar. 4, 1987.
<b>Region V</b>			
Ohio:			
Scio, village of, Harrison County	390261C	do	May 3, 1974, July 30, 1976, Mar. 6, 1982 and Mar. 4, 1987.
Bowerston, village of, Harrison County	390257B	do	Aug. 9, 1974, May 28, 1976 and Mar. 4, 1987.
<b>Region VI</b>			
Texas: Double Oak, town of, Denton County	481516C	do	June 19, 1979, June 22, 1982 and Mar. 4, 1987.
<b>Region VIII</b>			
Colorado:			
Chaffee County, Unincorporated Areas	080269B	do	June 3, 1977 and Mar. 4, 1987.
Larimer, County, Unincorporated Areas	080101C	do	Dec. 27, 1974, Apr. 2, 1979, Mar. 18, 1986 and Mar. 4, 1987.
North Dakota: Center, city of, Oliver County	380078B	do	Apr. 12, 1974, Dec. 19, 1975 and Mar. 4, 1987.
<b>Region IX</b>			
Hawaii: Kauai County, Unincorporated Areas	150002C	do	Dec. 20, 1974, Dec. 20, 1977, Nov. 4, 1981 and Mar. 4, 1987.
<b>Region X</b>			
Oregon: Umatilla County Unincorporated Areas	410204B	do	June 15, 1978 and Mar. 4, 1984.
<b>Region V</b>			
Minnesota: North Redwood city of, Redwood County	270392B	do	Aug. 30, 1974, June 11, 1976 and Jan. 2, 1987.
Ohio: Uhrichsville, city of, Tuscarawas County	390547	do	Nov. 9, 1978, July 9, 1973, June 1, 1979 and Jan. 2, 1987.
New Philadelphia, city of Tuscarawas County	390545	do	May 21, 1976, April 23, 1982 and Jan. 2, 1987.
New Comerstown, village of Tuscarawas County	390544C	do	May 17, 1974, May 21, 1976, Oct. 27, 1978 and Jan. 2, 1987.
Sharonville, city of Hamilton County	390236C	do	Apr. 12, 1974, May 28, 1976, July 27, 1979 and Jan. 2, 1987.
Wisconsin:			
Crandon, city of Forest County	550143B	do	June 7, 1974, Oct. 17, 1975, and Jan. 2, 1987.
Hixton, village of Jackson County	550187B	do	May 17, 1974, Mar. 19, 1976 and Jan. 2, 1987.
<b>Region II</b>			
New York:			
Dear Park, town of Orange County	360812C	Mar. 18, 1987, Suspension Withdrawn	May 17, 1974, May 28, 1976, Feb. 4, 1977, and Mar. 18, 1987.
Hounsfield, town of Jefferson County	360340B	do	Jan. 30, 1976 and Mar. 18, 1987.
Willsboro, town of Essex County	360267B	do	Nov. 8, 1974, Jun. 25, 1976, and Mar. 18, 1987.
Woodbury, town of Orange County	360640B	do	May 31, 1974, Jan. 2, 1976, and Mar. 18, 1987.
<b>Region IV</b>			
Georgia:			
Alma, city of Bacon County	130202B	do	Jan. 28, 1974, Feb. 27, 1976, and Mar. 18, 1987.
Cordele, city of Crisp County	130214A	do	Sept. 24, 1976 and Mar. 18, 1987.
Effingham County Unincorporated Areas	130076B	do	Jun. 2, 1978 and Mar. 18, 1987.
<b>Region V</b>			
Michigan: Manistee, city of Manistee County	260131B	do	May 24, 1976, Jun. 4, 1976, and Mar. 18, 1987.
<b>Region VI</b>			
Oklahoma: Cache, town of Comanche County	400048B	do	May 17, 1974, Jul. 30, 1976, and Mar. 18, 1987.
Texas:			
Bedford, city of Tarrant County	480585C	do	Dec. 28, 1973, Jul. 18, 1977, Apr. 17, 1984, and Mar. 18, 1987.
South Houston, city of Harris County	480311B	do	June 28, 1974, Oct. 17, 1975, and Mar. 18, 1987.
Willow Park, city of Parker County	481164A	do	Nov. 12, 1976 and Mar. 18, 1987.
<b>Region VII</b>			
Kansas:			
Bel Aire, city of Sedgwick County	200964B	do	Mar. 18, 1985 and Mar. 18, 1987.
Junction City, city of Geary County	200112C	do	Feb. 1, 1974, Sept. 29, 1978, and Mar. 18, 1987.
Mississippi:			
Biloxi, city of Harrison County	285252D	do	Jun. 27, 1970, Sept. 11, 1970, Jul. 1, 1974, Apr. 16, 1976, Aug. 8, 1980, Mar. 15, 1984, and Mar. 18, 1987.
Ocean Springs, city of Jackson County	285259D	do	Sept. 9, 1970, Jul. 1, 1974, May 14, 1976, Mar. 1, 1984, and Mar. 18, 1987.
South Carolina: Greenwood County Unincorporated Areas	450094B	do	Jan. 20, 1978 and Mar. 18, 1987.



State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
<b>Region IX</b>			
California: Hanford, City of Kings County	060088	do	Jun. 7, 1974, July 11, 1975, and Mar. 18, 1987.
<b>Region X</b>			
Oregon: Curry County, Unincorporated Areas	410052C	do	Sept. 13, 1974 and Apr. 3, 1978.
<b>Region II</b>			
Puerto Rico: Commonwealth of Puerto Rico	720000	April 3, 1987, Suspension Withdrawn	Aug. 1, 1978, Aug. 15, 1980, July 2, 1981, July 19, 1982, Sept. 16, 1982, Apr. 3, 1984, and Aug. 5, 1986.
<b>Region III—Minimal Conversions:</b>			
Pennsylvania:			
Bell, Township of Westmoreland County	422185C	January 1, 1987, Suspension Withdrawn	Sept. 13, 1974, Sept. 24, 1974, Feb. 13, 1981, and Jan. 1, 1987.
Fairview, Township of Mercer County	421865A	do	Nov. 29, 1974 and Jan. 1, 1987.
Vanderbilt, Borough of Fayette County	421620A	do	Jan. 31, 1975 and Jan. 1, 1987.
Wharton, Township of Fayette County	421640B	do	Jan. 24, 1975, May 2, 1980, and Jan. 1, 1987.
Mineral, Township of Venango County	422536B	do	Jan. 31, 1975, May 25, 1979, and Jan. 1, 1987.
Cross Creek, Township of Washington County	422145B	February 1, 1987, Suspension Withdrawn	Sept. 13, 1974, Nov. 12, 1976, and Feb. 1, 1987.
Independence, Township of Washington County	421202B	do	Sept. 6, 1974, July 23, 1976, and Feb. 1, 1987.
New Beaver, Borough of Lawrence County	422465B	do	Jan. 31, 1975, Aug. 29, 1980, and Feb. 1, 1987.
<b>Region I—Minimal Conversions:</b>			
Maine:			
Bremen, Town of Lincoln County	230214B	February 4, 1987, Suspension Withdrawn	Jan. 31, 1975, Oct. 8, 1976, and Feb. 4, 1987.
Dixmont, Town of Penobscot County	230381A	do	Feb. 21, 1975 and Feb. 4, 1987.
East Millinocket, Town of Penobscot County	230163B	do	Aug. 23, 1974, July 9, 1976, and Feb. 4, 1987.
Orland, Town of Hancock County	230288A	do	Jan. 17, 1975 and Feb. 4, 1987.
Sedgwick, Town of Hancock County	230291B	do	Jan. 24, 1975, Oct. 25, 1977, and Feb. 4, 1987.
Stockton Springs, Town of Waldo County	230226A	do	Feb. 7, 1975 and Feb. 4, 1987.
Swarville, Town of Waldo County	230267A	do	Feb. 7, 1975 and Feb. 4, 1987.
Windsor, Town of Kennebec County	230251B	do	Jan. 17, 1975, Sept. 17, 1976, and Feb. 4, 1987.
Palermo, Town of Waldo County	230263B	March 1, 1987, Suspension Withdrawn	Apr. 1, 1977 and Mar. 1, 1987.
Swans Island, Town of Hancock County	230297	do	Feb. 14, 1975 and Mar. 1, 1987.
Vinalhaven, Town of Knox County	230230A	do	Apr. 18, 1975 and Mar. 1, 1987.
Eastbrook, Town of Hancock County	230281A	do	Apr. 18, 1975 and Mar. 1, 1987.
Brooklin, Town of Hancock County	230275B	do	Dec. 24, 1976 and Mar. 1, 1987.
<b>Region II</b>			
New York: Tupper Lake, Village of Franklin County	360274B	do	May 31, 1974, June 25, 1976, and Mar. 1, 1987.
<b>Region III</b>			
Pennsylvania:			
Liberty, Borough of Tioga County	420822B	do	Sept. 13, 1974, June 11, 1976, and Mar. 1, 1987.
Nicholson, Borough of Wyoming County	420915B	do	Jan. 17, 1975, June 4, 1976, and Mar. 1, 1987.
Westfield, Borough of Tioga County	422093B	do	Sept. 20, 1974, May 26, 1976, and Mar. 1, 1987.
<b>Region VIII</b>			
South Dakota: Philip, City of Haakon County	460033B	do	June 7, 1974, Jan. 16, 1976, and Mar. 1, 1987.
<b>Region I—Minimal Conversions</b>			
Maine:			
Sidney, Town of Kennebec County	230274B	March 18, 1987, Suspension Withdrawn	Feb. 21, 1975, Dec. 3, 1976, and Mar. 18, 1987.
Starks, Town of Somerset County	230372A	do	Apr. 18, 1975, Mar. 18, 1987.
Union, Town of Knox County	230080B	do	Sept. 20, 1974, Sept. 10, 1976, and Mar. 18, 1987.
<b>Region X</b>			
Idaho: Homedale, City of Owyhee County	160107B	do	Feb. 1, 1974, Dec. 19, 1975, Mar. 18, 1987.

Code for reading fourth column: Emerg.—Emergency. Reg.—Regular. Susp.—Suspension. Rein.—Reinstatement.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 87-7339 Filed 4-2-87; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[FCC 87-93]

### Reclassification of Class B and C FM Stations

**AGENCY:** Federal Communications  
Commission.

**ACTION:** Clarification of Final Rules in  
BC Docket 80-90.

**SUMMARY:** This Public Notice explains how the Commission is implementing the reclassification of class B and C FM stations required in BC Docket 80-90 (see 48 FR 29486; June 27, 1983). In that Docket, existing class B and C FM stations were given until March 1, 1987 to modify their facilities to meet the minimum facilities required for such



stations or else be reclassified. This Notice has been prepared to advise the public as to how the various aspects of the reclassification are being administered.

**FOR FURTHER INFORMATION CONTACT:**

Gary Kalagian, (202) 632-2049 or John Boursy, (202) 634-6315.

William J. Tricarico,  
*Secretary.*

**Reclassification of FM Facilities  
Pursuant to BC Docket 80-90**

In the Report and Order in BC Docket 80-90, 94 FCC 2d 152 (1983), the Commission specified a minimum transmitting antenna height above average terrain (HAAT) of 300 meters and a minimum effective radiated power (ERP) of 100 kW for class 'C' facilities. The Report and Order also specified that class 'B' facilities have an ERP which exceeds 25 kW. In order to provide existing stations an opportunity to meet these minimums, the Commission indicated that existing stations would have three years from the effective date of the Report and Order (i.e. March 1, 1984) to submit an application for appropriate minimum facilities or be reclassified. Thus, to avoid reclassification, an application proposing minimum class 'B' or 'C' facilities must have been received by March 1, 1987. Since, however, March 1, 1987, fell on a Sunday, the Commission has accepted applications to meet the class 'B' and 'C' minimums filed by the close of business on March 2, 1987, pursuant to 47 CFR 1.4(i).

This Public Notice explains how various aspects of the reclassification are being administered. The following example covers most situations which arose during the reclassification process.

Consider the case of a class 'C' channel currently allotted to a city. The city and channel are listed in the Table of Allotments. A licensed station operates on this channel with facilities of 20 kilowatts and 100 meters. This station also has a construction permit to modify its facilities to increase power to 100 kilowatts but remain at 100 meters. An application was filed, by the close of business on March 2, 1987, to modify the construction permit to operate with facilities of 100 kilowatts and 400 meters.

The reclassification procedure affects this station and allotment in the following way.

- (1) The license is reclassified to 'C2'.
- (2) The construction permit is reclassified to 'C1'.
- (3) The application remains classified as 'C'.

(4) The class of this channel in the Table of Allotments is *not* reclassified because the application requesting full class 'C' facilities was on file by the close of business on March 2, 1987.

Any other applicant will have to protect this station's licensed site as a 'C2', the site of its construction permit as a 'C1', and the proposed site in its application as a 'C'. The eventual grant of a license to this station for the facilities proposed in the application will retain the class 'C' channel in the Table of Allotments and the station will continue to operate as a full class 'C' facility. However, if the application is later returned or dismissed, the class of this channel in the Table of Allotments will be reclassified to 'C1' to reflect the class of the construction permit. Other applicants will then only have to protect this station's licensed site as a 'C2' and the site of its construction permit as a 'C1'. Subsequently, if the construction permit expires, the class of the channel in the Table of Allotments will be reclassified to 'C2' to reflect the class of the existing license. Other applicants will then only have to protect this station's licensed site as a 'C2'.

**Special Cases**

Applicants who applied before March 1, 1984, and were in hearing as of the close of business on March 2, 1987, and who were prevented from amending their applications to upgrade their facilities because of their status in hearing, will have 90 days after the decision in that proceeding becomes final to amend or be reclassified.

A class 'C1' station can have maximum facilities of 100 kilowatts (ERP) and 299 meters (HAAT). This ERP-HAAT combination produces a 1 mV/m contour at a distance of 72 kilometers. There are many existing class 'C' stations that operate with an ERP less than 100 kilowatts and a HAAT greater than 300 meters and whose 1 mV/m contour is at a distance greater than 72 kilometers. These stations exceed the equivalent class 'C1' maximum but they do not meet the Docket 80-90 requirement of 100 kilowatts ERP for class 'C'. These stations will remain classified as 'C' pending further rulemaking in MM Docket 86-144, which proposes an index method of classification.

Class 'B' stations with their transmitters located in Zone 2 are reclassified to 'C', 'C1', or 'C2', as appropriate. Similarly, Class 'C' stations with their transmitters located in Zone 1 or 1A are reclassified to 'B' or 'B1', as appropriate. The allotment will carry the classification of the station's license

regardless of the zoning of the city of license.

We recognize that many applications filed by existing stations before the March 2, 1987 deadline to specify minimum class B or C facilities were not reached for processing by the March 2, 1987 filing deadline. Should such applications be found deficient after this deadline, we believe the public interest is best served by providing these licensees one opportunity to correct all deficiencies in their applications before the application is returned. Accordingly, upon finding a defect in a timely filed application seeking to meet the Class B or C minimums, the staff on its own motion may waive the "hard-look" FM processing rules established pursuant to the Report and Order in Docket 84-750, 50 FR 19936 (1985), and notify the applicant of the defect. The applicant will then be provided 30 days to correct the noted deficiency and any other deficiencies which may exist in the application. If after this 30 day period the application still contains deficiencies, the application will be returned and the allotment reclassified. Thereafter, it will be necessary to submit a Petition for Rulemaking in order to return the channel to its prior classification.

**Other Matters**

Reclassified facilities will not be issued a new authorization solely because of reclassification. The Commission will issue a Public Notice as soon as possible after March 2, 1987, listing those facilities reclassified. When a new authorization is issued for any reason, the new class will appear.

The reclassification of the FM Tables of Allotments (Sections 73.202 and 73.504) was effective as of the close of business on March 2, 1987. The Tables are presently being modified as necessary to indicate the highest class of the authorized or proposed facilities for a station as of the close of business March 2, 1987 and shall be published as soon as possible. Subsequent deletion or dismissal of these authorized or proposed facilities will also be reflected by modifications of the Tables.

The FM Table of Allotments will also be amended to reflect the use of channels by those stations licensed to a community within 15 miles of the allotment (for class B/C) or 10 miles of the allotment (for class A) under the repealed portion of § 73.203 of the Rules. The allotment will therefore coincide with the city of license. In addition, all channels will henceforth contain a class of channel next to the numerical designation.



The reclassified allotments and assignments in the Canadian border area will be notified to Canada as soon as possible after March 2, 1987, with class 'C2' stations considered as class 'B' stations under the U.S.-Canada FM Agreement. Since the U.S.-Mexico FM Agreement does not recognize classes 'C1', 'C2', and 'B1', no notifications to Mexico of reclassified facilities in the Mexican border area are required.

Class 'C' licensees with a buffer zone are reminded that their additional spacing protection of 16 km expired as of the close of business on March 2, 1987, except for those in hearing as discussed in "Special Cases" above. Also, any pending applications on file as of March 2, 1987, which specify a transmitter site within the 16 km buffer zone will continue to be protected against proposals in rulemaking for changes to the FM Table of Allotments.

Questions regarding this notice should be directed to Gary Kalagian (202) 632-2049 or John Boursy (202) 634-6315.

Action by the Commission March 18, 1987. Commissioners Fowler (Chairman), Quello, Dawson, Patrick and Dennis.

[FR Doc. 87-7146 Filed 4-2-87; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 301

[Docket No. 70357-7057]

### Pacific Halibut Fisheries—United States Treaty Indian Tribes

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Emergency interim rule and request for comment.

**SUMMARY:** The Assistant Administrator for Fisheries, NOAA, issues an emergency interim rule to implement measures recommended by the International Pacific Halibut Commission (Commission) and approved by the Secretary of Commerce (Secretary) to govern fishing by certain U.S. treaty Indian tribes in the Pacific halibut fishery. These regulations establish a special quota and commercial fishing season for halibut in the Strait of Juan de Fuca and Puget Sound and in waters off the State of Washington for members of eleven U.S. treaty Indian tribes.

**DATES:** This rule is effective April 1, 1987, until modified, superseded or

rescinded; announcement will be made in the **Federal Register**. Comments are due by May 1, 1987.

**ADDRESS:** Send comments to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115.

**FOR FURTHER INFORMATION CONTACT:** Rolland A. Schmitt at 206-526-6150.

**SUPPLEMENTARY INFORMATION:** The Commission, under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea [signed at Ottawa, Ontario, on March 2, 1953], as amended by a Protocol Amending the Convention [signed at Washington, DC, on March 29, 1979], recommended at its annual meeting on January 26-29, 1987, that the government of the United States take regulatory action, under its domestic law and separate from the Commission's action, to provide for the United States special obligation to eleven Indian tribes with historical treaties with the United States containing fishing provisions.

Those recommendations, which have been approved by the Secretary, include expanding Subarea 2A-1 within the Commission's Regulatory Area 2A, the special U.S. treaty Indian fishing area established under § 301.19 (51 FR 16471, May 2, 1986) in 1986 off the Washington Coast, to include waters of the Strait of Juan de Fuca and Puget Sound; providing a suballocation of the Area 2A quota of 100,000 pounds of halibut to the eleven treaty Indian tribes regardless of where it is caught in Regulatory Area 2A; providing an additional amount of halibut, not to exceed 50,000 pounds, which may be made available to the treaty Indian tribes, if necessary, to allow them to continue fishing until October 31, 1987, if the tribal suballocation of 100,000 pounds is projected to be taken prior to then; and setting an open season in Subarea 2A-1 commercial halibut fishing by the tribes beginning April 1, and closing on October 31, or when the additional 50,000 pounds is projected to be taken, whichever occurs first.

Consultation was had with the Coast Guard at a meeting of the Pacific Fishery Management Council on March 11-13, 1987, in Portland, Oregon. The Secretary has authority to promulgate regulations which are in addition to those of the Commission under the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c.

The regulations establish Subarea 2A-1 under § 301.19 which includes the off-reservation halibut fishing areas of four treaty Indian tribes in the ocean off the

coast of Washington and in the Strait of Juan de Fuca, and of seven treaty Indian tribes in the Strait of Juan de Fuca and Puget Sound. Subarea 2A-1 is not intended to describe precisely the historic off-reservation halibut fishing places of all treaty Indian tribes, as the location of those places has not been fully determined. The regulations also provide a tribal suballocation of 100,000 pounds of the total Area 2A quota. If it is projected that the tribal suballocation of 100,000 pounds will be taken prior to October 31, then an additional amount of halibut will be made available to the tribes sufficient for them to continue fishing until the October 31 closing date, but in no event will this additional amount exceed 50,000 pounds. If the tribal suballocation of 100,000 pounds and/or the additional poundage made available for the tribes is not taken by the tribal fishery, then it will be allowed to remain unharvested to benefit the resources and will not be made available to other users.

These regulations supersede the 1986 treaty Indian halibut regulations which were published at 51 FR 16471, May 2, 1986, and codified as 50 CFR 301.19.

This is the second year for which a special allocation of halibut has been established for harvest by U.S. treaty Indians. The 1987 suballocation is not intended to equal half of the exploitable biomass of halibut within Subarea 2A-1, nor does the 1987 suballocation represent any party's view of the eleven treaty Indian tribes' treaty entitlement to share in the Area 2A halibut fishery.

The regulations establish a special commercial season in Subarea 2A-1 beginning April 1 and ending October 31, or when a tribal harvest of 100,000 pounds of halibut is reached, whichever occurs first. Additional poundage, not to exceed 50,000 pounds, may be made available to allow fishing to continue until October 31. This season is designed to maximize the tribes' opportunity to harvest their 1987 allocation. The regulations also establish a special U.S. treaty Indian tribal subsistence and ceremonial season in Subarea 2A-1 which begins on April 1 and ends on December 31, 1987. After the tribal allocation is taken or after October 31, 1987, whichever occurs first, this subsistence and ceremonial fishery allows tribal members to take and retain up to two halibut per day caught on hook-and-line gear, but not sell the fish caught. Treaty Indians of the eleven tribes will fish under their respective tribe's licensing and identification requirements and will display on readily observable boat plaques and carry on the individual



persons of each treaty Indian fisher the standard treaty vessel and treaty Indian identification.

The regulations are time critical and require implementation without prior public comment and without delaying their effectiveness although public comment has been invited for 30 days after their effective date. They are the result of intricate negotiations following a lawsuit filed by the Makah Tribe in 1985 to force the federal government to protect their asserted treaty-protected halibut fishing rights, and threats of similar litigation by other of the eleven tribes. Given the protracted and bitter litigation over treaty Indian salmon fishing rights, now in its nineteenth year, the Commission determined that it was in the best interests of the United States and the halibut fishery to cooperatively establish a special season and suballocation for treaty Indian tribes, beginning in 1986. The Commission's recommendations in 1987 were based on the outcome of a series of meetings with all affected parties, including the tribes, the State of Washington, and segments of the non-Indian halibut fishing community.

For several reasons, the Commission's recommendations do not include an industry recommendation that any unused portion of the treaty Indian suballocation be made available to the non-Indian commercial and recreational halibut fisheries in Area 2A. First, the Commission and the United States could not determine a practical means of implementing this proposal during the 1987 season. This is due to the difficulty in determining the timing, location, and magnitude of the treaty Indian fishery, making it difficult to determine during the time non-Indian fisheries are ongoing what, if any, portion of the suballocation will remain unused at the end of the treaty Indian season. Second, a means for providing a fair and enforceable division between the commercial and recreational segments of the industry of any unused treaty harvest could not be determined in advance. Third, regulatory agencies are unable to specifically project and limit the harvest of recreational fisheries in Area 2A.

The Commission's recommendations and these implementing regulations are the popularly preferred alternative to continued litigation for this season. It was the Commission's recommendation and the common understanding of the affected parties that regulations would be promulgated in time to provide for a treaty Indian commercial halibut fishing season beginning on April 1, 1987.

Without emergency implementation of the regulations, treaty Indian halibut fishing will be prevented until April 30, 1987, for the four coastal tribes and until July 10, 1987, for the Puget Sound Tribes. April 30 was the opening date for the commercial season for the four coastal tribes under the 1986 treaty Indian regulations, and July 10 is the beginning of the regularly scheduled commercial season for all citizens in Regulatory Area 2A in 1987. Failure to promulgate the regulations effective immediately would negate the Commission's action, breach the agreement reached among the affected parties, undermine the Federal government's credibility, and force the matter to the attention of the courts.

#### Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Northern Pacific Halibut Act and other applicable law, including the U.S. obligations to Canada and to U.S. treaty Indians.

Absent emergency issuance of this rule, tribal commercial fishing would be prevented until April 30, 1987 for the four coastal tribes and until July 10, 1987 for the Puget Sound tribes. Given the time constraints, treaty obligations and international obligations under the Protocol, the Assistant Administrator finds there is good cause to promulgate these regulations on an emergency basis and that it is impracticable and contrary to the public interest in resolving litigation issues to require notice and public comment or to delay the effective date of the regulations under the provisions of section 553 (b) and (d) of the Administrative Procedure Act.

The policy of NOAA is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this rule to the Regional Director at the address above. Comments must be received by the date specified above. Submitted comments will be considered by the Secretary in the formulation of future regulations.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order. In addition, NMFS has determined that this rule is not a major rule within the terms

of E.O. 12291 because it will not have a major effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comments.

The implementation of a treaty Indian fishery by these regulations is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act.

This rule does not contain any collection of information requirement for purposes of the Paperwork Reduction Act.

#### List of Subjects in 50 CFR Part 301

Fisheries, Fishing, Treaties, Reporting and recordkeeping requirements.

Dated: March 31, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 301 is amended as follows:

#### PART 301—[AMENDED]

1. The authority citation for Part 301 continues to read as follows:

Authority: 5 U.S.C. 5; TIAS 2900; 16 U.S.C. 773-773k.

2. Section 301.19 is revised to read as follows:

#### § 301.19 United States treaty Indian tribes.

(a) *Purpose.* The purpose of this section is to implement the recommendations of the International Pacific Halibut Commission (IPHC) to govern fishing for halibut by eleven United States treaty Indian tribes in certain marine fishing areas off the coast of Washington, in the Strait of Juan de Fuca, and in Puget Sound.

(b) *Relation to other laws.* Except as provided in this section, all regulations of the IPHC in this part apply to halibut fishing by members of United States treaty Indian tribes.

(c) *Definitions.* For purposes of this Part 301, United States treaty Indian tribes means the Makah, Quileute, Hoh, and Quinault tribes located along the north Washington coast, the Lower Elwha Klallam, Jamestown Klallam, and Port Gamble Klallam located along the Strait of Juan de Fuca, and the Lummi,



Swinomish, Tulalip, and Skokomish Tribes located along Puget Sound in the State of Washington.

(d) *Area.* Within IPHC Regulatory Area 2A, Subarea 2A-1 includes waters under United States jurisdiction off the coast of Washington from the U.S.-Canada border south of 46°53'18" N. latitude [Point Chehalis] along the Pacific coast and east through the Strait of Juan de Fuca to include the waters of Puget Sound. Within Subarea 2A-1, boundaries of a tribe's fishery may be revised as ordered by a Federal court.

Tribe	Boundaries
Makah	North of 48°02'15" N. latitude (Norwegian Memorial), west of longitude 123°42'30" W. and east of 125°44'00" W. longitude.
Quileute	Between 48°07'30" N. latitude (Sand Point) and 47°31'42" N. latitude (Queets River), and east of 125°44'00" W. longitude.
Hoh	Between 47°54'18" N. latitude (Quillayute River) and 47°21'00" N. latitude (Quintault River), and east of 125°44'00" W. longitude.
Quinault	Between 47°40'06" N. latitude (Destruction Island) and 46°53'18" N. latitude (Point Chehalis), and east of 125°44'00" W. longitude.
L. Elwha	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha Tribe may take fish under rights secured by treaties with the United States.
Jamestown	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particular at 626 F. Supp. 1486, and to be places at which the Jamestown Tribe may take fish under rights secured by treaties with the United States.
Port Gamble	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble Tribe may take fish under rights secured by treaties with the United States.
Lummi	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 384 F. Supp. 360, to be places at which the Lummi Tribe may take fish under rights secured by treaties with the United States.
Swinomish	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 459 F. Supp. 1049, to be places at which the Swinomish Tribe may take fish under rights secured by treaties with the United States.
Tulalip	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 626 F. Supp. 1531-1532, to be places at which the Tulalip Tribe may take fish under rights secured by treaties with the United States.

Tribe	Boundaries
Skokomish	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 348 F. Supp. 377, to be places at which the Skokomish Tribe may take fish under rights secured by treaties with the United States.

(e) *Quota.* Of the total allowable catch in IPHC Regulatory Area 2A, 100,000 pounds (46 metric tons) is suballocated to the U.S. treaty Indian tribes regardless of where the fish are taken by those tribes in Regulatory Area 2A. If it is projected that the treaty tribal suballocation of 100,000 pounds will be taken prior to October 31, then an additional amount of fish is available to the tribes sufficient for them to reach the October 31, 1987, closing date, but in no event will this additional amount exceed the 50,000 pounds (23 metric tons) made available for this purpose by the IPHC. All fish taken by members of U.S. treaty Indian tribes in Subarea 2A during the season described in paragraph f(1) of this section will count toward this quota whether or not the fish are sold.

(f) *Seasons.* (1) For members of U.S. treaty Indian tribes, the commercial fishing season in Subarea 2A-1 will commence on April 1 and terminate on October 31 or when a total tribal harvest of 100,000 pounds is reached as specified in paragraph (e) of this section, whichever occurs first. The IPHC will monitor catch and effort data in the treaty Indian fishery during the season. If at any time during the season it is projected that the treaty Indian harvest will reach 100,000 pounds prior to October 31, then an additional amount of halibut will be made available to the tribes sufficient to allow them to continue fishing until October 31, but in no event will this additional amount exceed 50,000 pounds. If the additional 50,000 pounds is projected to be taken, the Secretary will, by publishing a notice in the **Federal Register**, close the treaty Indian halibut fishery as of the date 50,000 pounds is projected to be taken. Following closure of the treaty Indian commercial halibut fishing season, no person authorized to fish for halibut by a United States treaty Indian tribe may fish for halibut except as authorized by paragraph (b)(2) of this section.

(2) For members of the U.S. treaty Indian tribes, a subsistence and ceremonial fishing season in Subarea 2A-1 will commence on April 1, and terminate on December 31. After the treaty Indian halibut quota is taken or

after October 31, 1987, whichever occurs first, treaty Indians may take and retain, but not sell, up to two halibut per day caught on hook and line gear.

(g) *Size limit.* All halibut taken and retained by treaty Indians during the commercial fishing season specified in paragraph (f)(1) of this section must, with the head on, be a minimum of 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, or, with the head removed, be a minimum of 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in the schedule.

(h) *Identification of U.S. treaty Indian.* Any member of a U.S. treaty Indian tribe as defined in paragraph (c) of this section who is fishing under this part must have in his or her possession a valid treaty Indian identification card issued under 25 CFR Part 249, Subpart A and must not fish except from a vessel properly identified and marked with the treaty Indian vessel identification required under 25 CFR Part 249, Subpart A.

[FR Doc. 87-7336 Filed 3-31-87; 11:22 am]  
BILLING CODE 3510-22-M

## 50 CFR Parts 611, 672, and 675

[Docket No. 61238-6238]

### Foreign Fishing; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Emergency interim rule; extension of effective date.

**SUMMARY:** An emergency rule amending regulations implementing the Fishery Management Plans (FMPs) for Groundfish of the Gulf of Alaska and the Groundfish Fishery in the Bering Sea and Aleutian Islands Areas is in effect through March 31, 1987. The Secretary of Commerce (Secretary) extends this rule for 50 CFR Part 672 through April 7, 1987 and for 50 CFR Parts 611 and 675 through April 15, 1987. This extension is necessary under the Gulf of Alaska FMP to continue the harvest limits, the procedure for setting prohibited species catch (PSC) limits, and the closure of specified areas around Kodiak Island to non-pelagic trawling. This extension is also necessary under the Gulf of Alaska and Bering Sea FMPs to continue the requirement for weekly catch reports from all U.S. catcher/processor and



mothership vessels. These actions are intended as conservation measures that respond to the best available biological and socioeconomic information on the status of the groundfish fisheries and are intended to provide for full development and utilization of the existing groundfish resources while protecting fishery resources important to other fishermen.

**EFFECTIVE DATES:** The effective date for the rule published on January 6, 1987, is extended from April 1, 1987, through April 15, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

**SUPPLEMENTARY INFORMATION:** Under section 305(e) of the Magnuson Fishery Conservation and Management Act, the Secretary issued an emergency rule effective on January 1, 1987 (52 FR 422, January 6, 1987) to allow actions as summarized above. The Secretary, in agreement with the North Pacific Fishery Management Council at its March 1987 meeting, extends this emergency rule under Magnuson Act section 305(e)(3)(B). The reasons for these actions, which are discussed in the preamble to the emergency rule, still continue.

The emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Office of Management and Budget, with an explanation of why following the procedures of that Order is not possible. (16 U.S.C. 1801 *et seq.*)

#### List of Subjects in 50 CFR Parts 611, 672, and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 31, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 87-7425 Filed 3-31-87; 5:10 pm]

BILLING CODE 3510-22-M

#### 50 CFR Part 642

[Docket No. 61233-6233]

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Emergency interim rule; extension of effective date.

**SUMMARY:** An emergency interim rule amending the regulations for the Fishery

Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) is in effect through March 31, 1987. The Secretary of Commerce (Secretary) extends this rule for an additional 90 days (through June 29, 1987) and modifies the rule to discontinue commercial quotas in the exclusive economic zone (EEZ). The intended effect of extending and modifying the rule is to prohibit overfishing the Spanish mackerel resource while it is concentrated off the Florida coast.

**EFFECTIVE DATES:** April 1, 1987, through June 29, 1987.

**ADDRESS:** Copies of documents supporting this action may be obtained from and comments on this rule may be sent to W. Perry Allen, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** William N. Lindall, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** Under section 305(e)(2)(B) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) the Secretary promulgated an emergency rule (52 FR 288, January 5, 1987) for 90 days, through March 31, 1987 to address an emergency in the Spanish mackerel fishery. The Secretary extends this emergency rule for an additional 90 days under section 305(e)(3)(B) of the Magnuson Act because the conditions justifying the emergency action continue.

The initial emergency rule established (1) commercial quotas for the Gulf of Mexico and the South Atlantic and (2) bag limits for recreational fishermen. The commercial quota for the Atlantic area was projected to be reached, and the fishery was closed, on January 14, 1987 (52 FR 2113, January 20, 1987). The commercial quota in the eastern zone of the Gulf of Mexico is projected to be reached soon.

At meetings of the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) during January and March 1987, the Council concluded that an emergency continues to exist with regard to the Spanish mackerel fishery. The Councils therefore recommended extending the emergency rule for an additional 90 days and recommended that the rule be modified to discontinue the commercial quotas for Spanish mackerel in the Gulf of Mexico EEZ. The Councils reasoned that the small remaining commercial quota for the Gulf of Mexico could be taken within the nine nautical miles of water under Florida's jurisdiction where the majority of the commercial catch normally

occurs. The Councils also recommended that during the extension of the emergency rule the sale of Spanish mackerel caught in the EEZ under the bag limit should be allowed only in accordance with the laws and regulations of the State where landed. The Secretary reviewed these recommendations and concluded that such action would be consistent with the provisions of the Magnuson Act and other applicable Federal law. This action will assure protection of the Spanish mackerel resource in the EEZ.

A detailed discussion of the background, issues, regulations, and classification of the rulemaking is set forth in the initial emergency interim rule and is not repeated here.

Except as modified below, all provisions of the emergency rule remain effective through June 29, 1987.

This extension of an emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

#### List of Subjects in 50 CFR Part 642

Fisheries, Fishing.

Dated: March 31, 1987.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 642 is amended as follows:

#### PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

1. The authority citation for Part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 642.7, paragraphs (a) (31) and (32) are removed and new paragraphs (a) (31), (32), and (33) are added, to be effective from April 1, 1987, through June 29, 1987, to read as follows:

#### § 642.7 Prohibitions.

(a) \* \* \*

(31) Have in possession Spanish mackerel in or from the EEZ in excess of the bag limit specified in § 642.28(g);

(32) Purchase, sell, barter, trade, or accept in trade Spanish mackerel harvested in the EEZ except as provided in § 642.28(h);

(33) Operate a vessel that fishes for Spanish mackerel in the EEZ with Spanish mackerel aboard in excess of the cumulative bag limit, based on the



number of persons aboard, applicable to the vessel.

**§ 642.21 [Amended]**

3. In § 642.21, paragraphs (g) and (h) are removed.

4. In § 642.28, paragraphs (g) and (h) are revised, to be effective from April 1, 1987, through June 29, 1987, to read as follows:

**§ 642.28 Bag and possession limits.**

(g) *Spanish mackerel bag limit.* All persons who fish for Spanish mackerel in the EEZ are limited to possessing four Spanish mackerel per person per trip except as provided under § 642.24(b).

(h) *Sale of catch.* Spanish mackerel taken in the EEZ under the bag limit in paragraph (g) may be sold upon landing only in those States where State laws and regulations authorize the sale of Spanish mackerel harvested from State waters.

[FR Doc. 87-7426 Filed 3-31-87; 4:57 pm]

BILLING CODE 3510-22-M

**50 CFR Part 652**

[Docket No. 61109-7026]

**Atlantic Surf Clam and Ocean Quahog Fisheries; Adjustment of Fishing Time**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of adjustment of surf clam fishery time.

**SUMMARY:** NOAA issues this notice to specify allowable fishing time for surf clams at 24 hours for the second quarter

of 1987 for vessels harvesting surf clams in the Mid-Atlantic Area of the exclusive economic zone. This action will provide flexibility to operators in the use of fishing time during this period. The intended effect is to match fishing effort to the available quota for the area.

**DATES:** This notice is effective April 5 through July 2, 1987.

**ADDRESS:** Select fishing periods by writing to Surf Clam Plan Coordinator, National Marine Fisheries Service, Management Division, 2 State Fish Pier, Gloucester, Massachusetts 01930.

**FOR FURTHER INFORMATION CONTACT:** Bruce Nicholls, 617-281-3600 ext. 263.

**SUPPLEMENTARY INFORMATION:**

Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries contain at § 652.22(a)(3) a provision allowing the Regional Director to revise allowable fishing times to promote fishing for surf clams throughout the year with a minimum of changes. Because of the limited amount of fishing time possible, considering the quota and fleet capacity, the Regional Director during the first quarter of 1987 decided, with the unanimous support of the Council, to allocate fishing time by quarter and allow each operator flexibility to schedule that time to best advantage. This program is being continued in the second quarter with some modifications required to promote enforcement.

Each operator is allotted 24 hours of fishing time for the second quarter. That time must be scheduled in four six-hour periods, which may be taken on any four separate days during the normal daily and weekly surf clam fishing times

established in § 652.22(a) (1), (2), and (3). Letters of authorization required under § 652.22(a)(2) have been provided to vessel owners to carry out this effort management program. Each operator must select each fishing period at least fifteen days in advance of the intended date of operation in writing (see ADDRESS). Immediately after the period has been scheduled, the operator must write the date of the period in indelible ink on the letter of authorization. No change in period is allowed once scheduled, except that the make-up provisions at § 652.22(a)(4) will apply during the season and under the conditions specified in that paragraph of the regulations. The letter of authorization must be retained on board the vessel for inspection through July 2, 1987.

If fishing experience indicates that the quota for the second quarter will not be harvested, additional fishing time will be allotted later in the quarter.

**Other Matters**

This action is taken under the authority of 50 CFR Part 652 and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

**List of Subjects in 50 CFR Part 652**

Fisheries, Reporting and recordkeeping requirements.

Dated: March 31, 1987.

**Carmen J. Blondin,**  
Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 87-7335 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 400

[Amdt. No. 1; Doc. No. 4040S]

#### General Administrative Regulations; Late Planting Agreement Option Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend the Late Planting Agreement Option (7 CFR Part 400, Subpart A), effective with the 1987 and succeeding crop years. The intended effect of this rule is to (1) add Safflowers to those crops eligible for the Late Planting Agreement Option; and (2) amend the Collection of Information and Data (Privacy Act) statement. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than May 4, 1987, to be sure of consideration.

**ADDRESS:** Written comments, data, and opinions on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC, 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date

established for these regulations is January 1, 1991.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On Wednesday, June 4, 1986, FCIC published a Final Rule in the **Federal Register** at 51 FR 20245, which revised and reissued the Late Planting Agreement Option to: (1) Delete the adverse weather condition requirement; (2) publish a corrected list of crop insurance regulations to which the Late Planting Option applies; and (3) provide availability of the Late Planting Option beginning with 1987 crop year fall-planted crops.

FCIC is presently in the process of issuing a new Part 452 in 7 CFR to insure safflowers and has determined that this crop will be eligible for the Late Planting Agreement Option effective for the 1987 and succeeding crop years. FCIC herein proposed to amend 7 CFR Part 400, Subpart A for this purpose.

In addition, FCIC has amended the published statement relative to collection of information and data for the purposes of the Privacy Act of 1974 and includes this amended statement herein.

The principal, proposed changes in the Late Planting Option Regulations are:

1. Section 400.4—Add Safflower Crop Insurance Regulations (7 CFR Part 452) as a crop eligible for coverage under the provisions of the Late Planting Agreement Option.

2. Amend the Collection of Information and Data (Privacy Act) statement at the end of 7 CFR Part 400, Subpart A.

FCIC is soliciting public comment on this proposed rule for 30 days after publication in the **Federal Register**. Written comments received pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regulator business hours, Monday through Friday.

#### List of Subjects in 7 CFR Part 400

Crop insurance, late planting agreement option.

#### Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Late Planting Agreement Option Regulations (7 CFR Part 400, Subpart A), effective for the 1987 and succeeding crop years, in the following instances:

#### PART 400—[AMENDED]

1. The authority citation for 7 CFR Part 400 Subpart A continues to read as follows:

**Authority:** Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. In 7 CFR Part 400, Subpart A, § 400.4 is amended to add "7 CFR Part 452, Safflowers," at the end thereof. As amended, § 400.4 reads in its entirety as follows:

#### § 400.4 Applicability to crops insured.

The provisions of this subpart shall be applicable to the provisions of FCIC



policies issued under the following regulations for insuring crops:

- 7 CFR Part 416 Pea
- 7 CFR Part 418 Wheat
- 7 CFR Part 419 Barley
- 7 CFR Part 420 Grain Sorghum
- 7 CFR Part 421 Cotton
- 7 CFR Part 422 Potatoes
- 7 CFR Part 423 Flax
- 7 CFR Part 424 Rice
- 7 CFR Part 425 Peanuts
- 7 CFR Part 427 Oats
- 7 CFR Part 428 Sunflowers
- 7 CFR Part 429 Rye
- 7 CFR Part 430 Sugar Beets
- 7 CFR Part 431 Soybeans
- 7 CFR Part 432 Corn
- 7 CFR Part 433 Dry Beans
- 7 CFR Part 435 Tobacco (Quota Plan)
- 7 CFR Part 436 Tobacco (Guaranteed Production Plan)
- 7 CFR Part 437 Sweet Corn (Canning and Freezing)
- 7 CFR Part 438 Tomatoes (Canning and Processing)
- 7 CFR Part 443 Hybrid Seed
- 7 CFR Part 447 Popcorn
- 7 CFR Part 452 Safflowers

The Late Planting Option shall be available in all counties in which the Corporation offers insurance on these crops.

#### § 400.5 [Amended]

3. In 7 CFR Part 400, Subpart A, in § 400.5, "the Collection of Information and Data (Privacy Act)" statement is revised in its entirety to read as follows:

\* \* \*

#### Collection of Information and Data (Privacy Act)

To the extent that the information requested herein relates to the information supplier's individual capacity as opposed to the supplier's entrepreneurial (business) capacity, the following statements are made in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552(a)). The authority for requesting information to be furnished on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*) and the Federal Crop Insurance Corporation Regulations contained in 7 CFR Chapter IV.

The information requested is necessary for the Federal Crop Insurance Corporation (FCIC) to process this form to provide insurance, determine eligibility, determine the correct parties to the agreement or contract, determine and collect premiums, and pay indemnities. Furnishing the Tax Identification Number (Social Security Number) is voluntary and no adverse action will result from the failure to furnish that number. Furnishing the information required by this form, other than the Tax identification (Social Security) Number, is also voluntary; however, failure to furnish the correct, complete information requested may result in rejection of this form, rejection of or substantial reduction in any claim for indemnity, ineligibility for insurance, and a unilateral determination of the amount of premium due. (See the face of this form for

information on the consequences of furnishing false or incomplete information).

The information furnished on this form will be used by federal agencies, FCIC employees, and contractors who require such information in the performance of their duties. The information may be furnished to: FCIC contract agencies, employees and loss adjusters; reinsured companies; other agencies within the United States Department of Agriculture; the Internal Revenue Service; the Department of Justice, or other Federal or State law enforcement agencies; credit reporting agencies and collection agencies; and in response to judicial orders in the course of litigation.

Done in Washington, DC, on February 26, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-7368 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-06-M

#### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

[Docket No. 87-044]

#### Llamas and Alpacas Imported From Chile; Withdrawal of Proposed Rule

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** On January 23, 1987, we published in the *Federal Register* (52 FR 2654-2658) a proposal to remove the prohibition of the importation of llamas and alpacas from Chile, except through the Harry S Truman Animal Import Center (HSTAIC), and to establish requirements for health certification and quarantine upon arrival in the United States for llamas and alpacas from Chile. In this document, we are withdrawing the proposal. This action is necessary because foot-and-mouth disease was confirmed in Chile and we have removed Chile from the list of countries free of rinderpest and foot-and-mouth disease; one of the effects of removing Chile is to prohibit the importation from Chile of live cattle, sheep, or other ruminants, including llamas and alpacas, except through HSTAIC.

**FOR FURTHER INFORMATION CONTACT:** Dr. Harvey Kryder, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 809, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8695.

**SUPPLEMENTARY INFORMATION:** On January 23, 1987, we proposed in the *Federal Register* (52 FR 2654-2658) to remove the prohibition against the

importation of llamas and alpacas from Chile, except through HSTAIC, and to allow those animals to be imported provided certain criteria concerning health certification and quarantine upon arrival were met. We are now withdrawing that proposal.

On March 12, 1987, the Government of Chile informed us that an outbreak of foot-and-mouth disease has been confirmed in that country. Therefore, on March 13, 1987, we removed Chile from the list of countries declared free of rinderpest and foot-and-mouth disease. One of the effects of that action is to prohibit the importation into the United States from Chile of cattle, sheep, and other ruminants, including llamas and alpacas, except through HSTAIC. For this reason, our proposal to provide special criteria for the importation of llamas and alpacas from Chile is no longer warranted.

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 31st day of March, 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-7433 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-34-M

#### 9 CFR Part 92

[Docket No. 87-045]

#### Lottery for Importation of Llamas and Alpacas From Chile; Withdrawal of Proposed Rule

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** On January 23, 1987, we published in the *Federal Register* (52 FR 2658-2662) a proposal to establish a lottery by which applicants would receive authorization to import llamas and alpacas from Chile into quarantine facilities that we maintain. In this document, we are withdrawing the proposal. This action is necessary because foot-and-mouth disease has been confirmed in Chile and we have removed Chile from the list of countries free of rinderpest and foot-and-mouth disease; one of the effects of removing Chile is to prohibit the importation from Chile of live cattle, sheep, or other ruminants, including llamas and alpacas, except through the Harry S Truman Animal Import Center (HSTAIC).



**FOR FURTHER INFORMATION CONTACT:**

Dr. Harvey Kryder, Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 809, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8695.

**SUPPLEMENTARY INFORMATION:**

On January 23, 1987, we proposed in the *Federal Register* (52 FR 2658-2662) to establish a lottery by which applicants would receive authorization to import llamas and alpacas from Chile into quarantine facilities that we maintain.

On March 12, 1987, the Government of Chile informed us that an outbreak of foot-and-mouth disease had been confirmed in that country. Therefore, on March 13, 1987, we removed Chile from the list of countries declared free of rinderpest and foot-and-mouth disease. One of the effects of that action is to prohibit the importation into the United States from Chile of cattle, sheep, and other ruminants, including llamas and alpacas, except through HSTAIC. There are currently provisions in the regulation with respect to lotteries and other requirements concerning the importation of animals through HSTAIC. For that reason, our proposal to establish a lottery for quarantine facilities space for the importation of llamas and alpacas from Chile is no longer warranted.

**Authority:** 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f and 135; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 31st day of March, 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-7434 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-34-M

## Food Safety and Inspection Service

### 9 CFR Parts 317 and 319

[Docket No. 86-049N]

#### Filing of Mechanically Separated (Species) Petition

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Petition for rulemaking.

**SUMMARY:** The Food Safety and Inspection Service is announcing that the law office of Glassie, Pewett, Dudley, Beebe, and Shanks of Washington, DC, on behalf of their clients, Bob Evans Farms, Inc., Odom Sausage Company, Sara Lee Corporation, and Owens Country Sausage, Inc. (hereafter referred to as the "Petitioners"), has filed a petition requesting the Federal meat inspection regulations be amended, under certain

circumstances, in regard to the labeling of mechanically separated (species) when it is used as an ingredient in meat food products. The Petitioners' requested amendment would allow "mechanically separated (species)" to be listed in the ingredients statement on the label of a meat food product as the species from which it was derived (e.g., beef), in lieu of listing it as "mechanically separated (species)" in the ingredients statement as now required. (a) if the calcium content of the meat food product, irrespective of amount, is stated on the label as part of any nutrition information on the label or in immediate conjunction with the list of ingredients or otherwise conspicuously on the label; and (b) if the mechanically separated (species) constitutes no more than 10 percent of the livestock and poultry portion of any meat food product.

**DATE:** Comments concerning this docket must be received on or before June 2, 1987.

**ADDRESS:** Written information or comments may be mailed to the U.S. Department of Agriculture, Food Safety and Inspection Service, ATTN: FSIS Docket Clerk, Room 3168-S, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

**FOR FURTHER INFORMATION CONTACT:** Mr. Ashland Clemons, Acting Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, Area Code (202) 447-6042. Supplementary Information:

#### Comments

Interested persons are invited to submit information or comments concerning this docket. Written comments must be sent in duplicate to the FSIS Docket Clerk and must bear reference to the docket number located in the heading of this document. All comments submitted pursuant to this notice will be made available for public inspection in the office of the FSIS Docket Clerk between 9:00 a.m. and 4:00 p.m., Monday through Friday.

#### Background

Documents referenced in this notice are available for public inspection in the office of the FSIS Docket Clerk.

On April 27, 1976, a notice of proposed rulemaking was published that included, among other things, a proposal for defining and permitting the manufacture of three types of product resulting from the mechanical separation and removal of most of the bone from attached

skeletal muscle (41 FR 17560). There were more than 1,100 public comments on this proposal, a number of which raised various health and safety questions. Also on April 27, 1976, an interim regulation that included standards for the use of "Mechanically Deboned Meat" (MDM) was published (41 FR 17535). This interim regulation was challenged by a coalition of various consumer-oriented public interest groups, State officials, and a member of Congress in *Community Nutrition Institute, et al. v. Butz* (CNI v. Butz), 420 F. Supp. 751 (D.D.C. 1976).

The court in *CNI v. Butz* held that the promulgation of the interim regulation was in violation of the Administrative Procedure Act and that the Secretary could not permit the manufacture of MDM until certain health and safety questions were resolved. The Court issued an injunction enjoining the Secretary from giving further effect to the interim regulation with respect to MDM. In the Court's opinion, MDM was not "meat" as traditionally defined because of its bone particle content. The Court concluded that these bone particles must be regarded as a substance added during mechanical processing, and that the Secretary had not adequately considered the health effects of MDM. Also, it appeared to the Court that the interim regulation, which did not require MDM to be declared on the label, permitted misbranding because a product that contained MDM would have a higher calcium content than a comparable product prepared without MDM. The Court stated that since the public expects the "usual product," it would be misled by the labeling permitted by the regulation. The Court indicated that this could prove especially harmful to persons or calcium-restricted diets, who would be misled into thinking that the product contained no more than the usual amount of calcium.

In order to respond to the health and safety questions raised by the Court, the Department initiated an analytical program to develop data on the amounts of nutrients and substances of concern which might be present in MDM. The Panel assigned to undertake this evaluation concluded, among other things, that a slight nutritional benefit is to be expected for most people from the calcium in MDM, especially for persons whose customary intake of calcium falls below the Recommended Dietary Allowance. It was also concluded that the amount of calcium, which would be added to the diet by MDM, would not be so great in amount as to pose a hazard to the health of most people except for



those persons who were hyperabsorbers of calcium and who were likely already to be under medical supervision to limit their calcium intakes. It was suggested by the Panel that there be appropriate labeling to indicate that meat food products contain calcium so that the small percentage of the population which might require a low calcium intake for medical reasons would have the choice to avoid purchasing such products. The Panel agreed that MDM-contained in food products should be so labeled in the ingredients statement so that persons who must stringently restrict calcium intake could avoid these products. (See Panel Report: Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume I and II.)

As a result of the Panel's conclusions and recommendations, *CNI v. Butz*, and the widespread public interest in and concern about the product, a revised proposal was published on October 6, 1977. The proposal provided, among other things, that the product be named "Tissue from Ground Bone" (TFGB); that the product be labeled "Tissue from Ground (Species) Bone," in the ingredients statement of a meat food product in which it is used; that the name of the meat food product in which it is used be qualified by the term "Tissue from Ground Bone Added," and that the product be classified as a meat food product rather than as a class of meat (42 FR 54437). As a result of the rulemaking proceeding, the Administrator concluded, among other things, that the product should be named "Mechanically Processed (Species) Product" or MP(S)P. The Administrator agreed with public comments that the proposed name "Tissue from Ground Bone" (TFGB) could be misleading as the product contained meat, bone, and bone marrow, and "TFGB" would incorrectly indicate it is made wholly from parts of bone. The Administrator determined not to adopt the name "Mechanically Deboned Meat" for the product because "deboned" would incorrectly represent that the product did not contain bone or bone marrow and "meat" would incorrectly represent that the product consisted solely of "meat." The Administrator also concluded that a qualifying statement should be added to finished product names to indicate the presence of MP(S)P, since MP(S)P is unique and would not be an expected ingredient; that finished product names should bear the additional qualifying statement, "Contains Up To — % Powdered Bone" because the need of some individuals to limit their intake of calcium is an

important consideration; and that MP(S)P should be listed separately from "meat" in its order of predominance by weight in the ingredients statement of finished products because MP(S)P is not meat and it would be a standardized product following publication of the rule.

On June 20, 1978, regulations were published concerning the production, use, and labeling of MP(S)P and products in which MP(S)P may be used (43 FR 26416). However, very little of this product was produced after these regulations became effective. The red meat industry contended that its failure to market products containing MP(S)P was due to regulatory requirements which they believed went beyond what was necessary to protect the public, and they asked the Department to reconsider these requirements. In particular, in April 1979, the Pacific Coast Meat Association (PCMA) petitioned the Department to amend various labeling and compositional requirements of the MP(S)P regulations. The Department denied this petition in May 1979, but indicated it was open to resubmission of PCMA's arguments if additional information in various areas was presented. In June 1979, PCMA resubmitted its request along with a further explanation of its position. The resubmitted petition was denied in September 1979. Thereafter, in February 1981, the PCMA and the American Meat Institute (AMI) submitted a petition on behalf of their members. The petition stated that their members "are effectively precluded from producing or marketing mechanically deboned beef, pork or veal or lamb by the misleading labeling and the unreasonable compositional standards imposed by" the regulations. A consumer focus group (Market Research Services) report concerning consumer attitudes towards various types of meat food product labeling and an analysis of the economic impacts of the 1978 regulations were submitted in support of their claim.

Following additional reviews and analyses, the Department issued a proposed rule on July 31, 1981 (46 FR 39274). Based on comments received and further evaluation of relevant information, in 1982 the Department promulgated a final rule which amended the Federal meat inspection regulations by, among other things, modifying the definition and standard and the labeling requirements for such product and meat food products in which it may be used (47 FR 28214). The name of the product was changed from "Mechanically Processed (Species) Product" to "Mechanically Separated (Species)" (MS(S)) in order to provide a more

meaningful and concise description of its characteristics. A labeling requirement for the product was established in order to ensure that the product was used in accordance with regulatory requirements. The requirement that the names of meat food products be qualified to indicate the presence of this product as an ingredient was deleted as unnecessary. Further, the requirement that the names of meat food products be further qualified to indicate the percentage of powdered bone they contained was replaced by a requirement that their labels declare, in certain circumstances, calcium content either as part of nutrition labeling information or if the meat food product does not bear nutrition labeling information in a prominent statement in immediate conjunction with the ingredients list. This declaration must be stated on the label of a meat food product containing MS(S) whenever MS(S) contributes 20 mg or more of calcium to a serving of such meat food product, unless the amount that would be declared would not differ from the amount that would be declared if the meat food product contained only hand deboned ingredients or unless the calcium content of a serving of the meat food product would be 20 percent of the U.S. RDA or more if the meat product contained only hand deboned ingredients. The Department concluded that the calcium content approach was preferable because it would respond to the needs of calcium-sensitive individuals without having unwarranted, negative effects on the general population's evaluation of meat food products containing MS(S).

A definition and standard of identity for this product was retained, since as the Department noted in its proposal, the consistency of this product and its content of bone, bone marrow, and certain minerals as well as muscle tissue are materially different from those of meat. The requirement that the name of the product be listed in its proper order of predominance in the ingredients statement on the label of a meat food product in which it is used, consistent with the general requirements for declaring ingredients in meat food products, was also retained. The product's distinctive character and separate regulatory standard were the basis for the ingredient declaration requirement, and not the product's wholesomeness or fitness for consumption or the level or particular meat food product in which it would be included as an ingredient.

The final 1982 regulations were challenged in *Community Nutrition*



*Institute, et al. v. Block, et al.* Civil Action No. 82-2009 (D.D.C. decided December 1, 1982). The plaintiffs, among other things, challenged the amended regulations contending that they permitted the sale of misbranded meat food products because of the product name change to MS(S) and the elimination from the labeling of meat food products, in which MS(S) may be used, of the statements that qualified the name of the meat food product by indicating the presence of MS(S) and the percentage of powdered bone. The plaintiffs contended that the labeling required by the amended regulations, i.e., listing of MS(S) in the ingredients statement and the calcium declaration under certain circumstances, was insufficient under the Federal Meat Inspection Act. The United States District Court upheld the regulations, and the plaintiffs appealed. The United States Court of Appeals for the District of Columbia upheld the regulations in *Community Nutrition Institute, et al. v. Block, et al.*, 749 F.2d 50 (D. C. Cir. 1984).

#### Petition Received

On November 10, 1986, the Department received the following petition asking the Department to consider some changes in its current regulatory policy. The petition in its entirety, as received by the Department, is hereby published in order that the Department may obtain public comment on this requested regulatory change:

#### Public Petition for Rulemaking to Amend a Regulation of the Food Safety and Inspection Service Pertaining to the Labeling of Products Containing Mechanically Separated Meat

This Public Petition is filed on behalf of Bob Evans Farms, Inc., Columbus, Ohio, Odom Sausage Company, Madison, Tennessee, Sara Lee Corporation, Memphis, Tennessee, Owens County Sausage, Inc., Richardson, Texas (hereinafter sometimes referred to as "the Petitioners").

Each of the Petitioners operates a hog slaughter and sausage production facility. Specifically, they produce whole hog sausage by the so-called "hot process" method—that is, a process whereby sausage is formulated within a comparatively short period of time without a substantial reduction in the temperature of the meat between the time of slaughter and formulation.

Petitioners have the equipment and expertise to produce mechanically separated pork for use in their sausage products but have not done so since 1976. Furthermore, Petitioners are not aware of any meat processing concern

which at present is commercially producing mechanically separated meat. This type of meat is not being produced (and therefore is being wasted) despite the fact that it is safe and wholesome, that the industry has invested substantial sums in deboning equipment, and that numerous economic benefits would result from its use (47 FR 28253).

Petitioners believe that the unwarranted negative connotations of the term "mechanically separated pork" (or beef, as the case may be), which term is required on the labels of finished products containing this type of meat, would cause consumers to refrain from purchasing such products. In contrast, so-called "chicken franks" apparently have gained consumer acceptance even though the poultry portion of such products consists entirely of mechanically separated chicken. However, FSIS regulations do not require use of the term "mechanically separated chicken"; rather the ingredient may be labeled "chicken" or "chicken meat". This terminology, Petitioners believe, eliminates the possible negative connotations of the term "mechanically separated". In short, it appears that the labeling requirements imposed on products containing mechanically separated meat, especially when compared to those imposed on products containing mechanically separated poultry, have effectively thwarted its use.

In these circumstances, Petitioners seek the promulgation of an amendment to the FSIS regulations on mechanically separated meat to provide for optional calcium content labeling of all finished products containing mechanically separated meat as an alternative to including in the ingredient statement the term "mechanically separated pork" (or beef). This optional labeling method could be used only when MS(S) constitutes no more than 10% (rather than 20% as now permitted) of the meat portion of the finished product. The justification for and the desirability of the proposed amendment to the regulations can be found in the record created in previous rulemaking proceedings on this subject.

#### Evolution of the Present Regulations on MSM

Traditional meat processing technology involves cutting meat off the carcass by hand before subjecting it to further processing, such as trimming, grinding or comminuting. Under the Department's regulations (9 CFR 301.2(t) (1984)), the "meat" so derived consists of the part of the muscle of any cattle, sheep, swine or goats which is skeletal . . . [and accompanying

tissue]. Hand deboning wastes a significant amount of meat which cannot be economically removed from the bones. Mechanical deboning is a process whereby, after removal of meat by hand, certain bones with substantial meat remaining on them are mechanically crushed and forced through sieves which capture the crushed bone. The process produces comminuted meat consisting primarily of muscle tissue, with a small amount of calcium from bone.

In 1976, the Department published proposed regulations and an interim rule for mechanically deboned meat which revised the definition of "meat" to include mechanically deboned meat and permitted the use of mechanically deboned meat in processed meat food products without special labeling. The interim rule was similar to the rule in effect for mechanically deboned poultry and was to remain in effect pending completing of the rulemaking proceeding initiated by the publication of the proposed regulations. A federal court enjoined the implementation of the interim rule on the ground that it was a substantive rule and that the rulemaking requirements of the Administrative Procedure Act had not been followed in its promulgation. As a result of this decision (*Community Institute (sic) V. Butz*, 420 F. Supp. 751 (D.D.C. 1976)), the Secretary of Agriculture withdrew the interim rule. At the time, production of mechanically separated meat ceased.

As a result of this ruling, the Secretary of Agriculture appointed a Select Panel of scientists to study mechanically deboned meat. On the basis of the Select Panel's findings and consideration of comments made in a rulemaking proceeding, final rules on mechanically deboned meat were published in 1978 (43 FR 26416 (1978)). The 1978 regulations were amended in 1982 (47 FR 28214 (June 29, 1982)). The *Community Nutrition Institute* and other organizations filed suit in the United States District Court for the District of Columbia seeking to invalidate portions of the 1982 amendments. The District Court upheld those amendments (*Community Nutrition Institute v. Block*, Civil No. 2009, Slip Op. (D.D.C. December 1, 1982), finding the 1982 regulations reasonable in view of the administrative record. The Court of Appeals affirmed (749 F. 2d 50 (D.C. Cir. 1984)).

#### The present regulations:

(a) Provide a standard of identity and composition for mechanically deboned meat, calling it "Mechanically Separated (Species)", such as "Mechanically separated Pork" or "Mechanically Separated Beef".



(b) Require that "Mechanically Separated (Species)" (hereinafter sometimes "MS(S)") be listed in the ingredient statement of any finished meat food product containing it.

(c) Limit to 20 percent the amount of MS(S) in the meat (or livestock product) portion of a finished product.

(d) Require in certain circumstances that the labels of meat food products containing MS(S) state the calcium content per serving as part of nutrition labeling or in conjunction with the ingredient statement.

(e) Limit MS(S) to not more than 3/4 of 1 percent (0.75%) calcium as a measure of bone content and restrict bond (sic) particles size.

(f) Require processors of MS(S) to have an approved quality control system for producing of MS(S).

(g) Prohibit the use of MS(S) in baby foods.

We believe that the best way to demonstrate the propriety of the amendment proposed by this Petition is to analyze the findings made by the Department in promulgating the 1982 amendments and on the Court decisions upholding term.

#### Calcium Content Has Been the Focal Point of MS(S) Regulations

Although Petitioners vigorously disagree with the Department's position that MS(S) is not meat but rather is a distinct product, Petitioners are not at this time seeking a change in the definition of meat so as to include MS(S).<sup>1</sup> Nor are Petitioners requesting amendments to the regulations governing the definition or permitted uses of MS(S). Rather, Petitioners are requesting only a re-evaluation of the labeling requirements in the context of the concerns addressed by the Department in the 1982 rulemaking proceeding and by the courts in reviewing the 1982 amendments.

From the outset<sup>2</sup> and especially in the 1982 rulemaking, the focal point of the regulatory scheme for MS(S) was the increased amount of calcium in mechanically separated meat *vis-a-vis* hand-separated meat. The Select Panel found that a slight nutritional benefit was to be expected for most people from the calcium in MS(S), in particular for persons whose customary intake of calcium fell below the recommended dietary allowance. At the same time, the select Panel found that the amount of calcium which would be added to the diet by MS(S) would not be so great as to pose any hazard to the health of people except for that small number of

people who were hyper-absorbers of calcium and who were already likely to be under medical supervision in order to limit their calcium intake.

The administrative record created in the 1982 rulemaking is replete with references to additional calcium in MS(S) as the primary area of concern; indeed, calcium presented the *sole* potential health hazard, although for only a very small group of people. Thus, as the basis for eliminating the requirement in the 1978 regulation that the label of products with MS(S) state "contains up to \_\_\_\_% powdered bone" the Department stated:

\* \* \* Unless supplementary labeling information is provided where there is a meaningful increase in the total calcium content of meat food content of meat food products that would otherwise be acceptable in the diets of persons on calcium-restricted diets, such persons could be misled. [47 FR at 28249].

The Department further noted that those persons were "likely to be under medical supervision that includes dietary management to restrict their consumption of calcium-containing foods and that the Department's "concern here is that such persons could be misled if they are not informed about those increases in meat food products calcium content" [47 FR 28249].

In addition, the Department rejected a proposal that a calcium statement be placed on the labels of the *ingredient*, that is, on the MS(S) itself. Instead, the Department elected to use, where necessary, information on the labels of *finished product* which "*directly addresses the content question of concern to them*" (47 FR 28249; emphasis added).

Further, the Department reiterated:

The focus of concern in this rulemaking is not the appropriate minimum amount that should be required before a food is promoted to the general population on the basis of its value as a nutrient source. . . . Here, the concern is quite different: making sure that a population segment with particular health problems is not misled into thinking a food makes smaller calcium contribution than it actually does [47 FR 28250].

Thus, the thrust of the labeling requirements, as stated by the Department, was "to assure content information is not omitted when increases occur that should be taken into account in planning calcium-restricted diets" (47 FR. 28250). The Department again referred to the needs of the "special audience" for which this information was intended (47 FR 28250). And calcium content was the *sole area* of concern from a health standpoint, as found in *CNI v. Block* discussed hereinafter).

Under the current regulations, a calcium statement is required only when the finished product contributes more than 20 mg of calcium to a serving, unless the calcium content would be more than 20% U.S. RDA per serving if such product contained only hand-deboned meat. The Department emphasized that one of the main concerns was that the *amount* of calcium to be stated where necessary, not just that there was additional calcium. For this reason, the Department rejected a suggestion that a parenthetical declaration that MS(S) is a "calcium-containing" product be placed after the ingredient statement.

Moreover, the Court of appeals in *CNI v. Block* (749 F.2d at 55) noted that "since he [the Secretary] reasoned, the sole health risk associated with the use of MS(S) in accordance with the regulations is increased calcium levels, a calcium content statement would directly provide all needed health information without creating an unwarranted negative impression of the finished product" (citing 47 FR 28249-50; emphasis added). The Court of Appeals observed that "the Secretary fully considered each of the health risks alleged by appellants [cholesterol, lead and nucleic acids], finding none of them significant; and that there was substantial evidence to support his findings (749 F.2d at 55)(Sic) The Court also referred to the conclusion of the Select Panel that there were *no* health or safety reasons to require products with MS(S) to bear nutrition labeling and to the Select panel's recommendation that labels of products containing MS(S) note its presence "so that those who must stringently restrict calcium intake could avoid them" (749 F.2d at 52). The Court of Appeals observed that "the Secretary fully considered each of the health risks alleged by appellants [cholesterol, lead and nucleic acids], finding none of them significant; and that there was substantial evidence to support his findings" (749 F.2d at 55). In short, with regard to labeling, the calcium content of MS(S) was the primary, if not the sole, area of concern in the rulemaking proceeding and the judicial review thereof.

#### Proposed Amendment

The amendment which Petitioners are proposing is consistent with the basic concern about MS(S). The Select Panel studied all other potential health aspects of MS(S) and found *only* calcium to be of any concern with respect to labeling.<sup>3</sup>

<sup>3</sup> We should emphasize here that in focusing on calcium as the key concern of the MS(S) regulations.

Continued

<sup>1</sup> The Court of Appeals in *CNI v. Block* supported Petitioner's position on this point, finding that MS(S) is "overwhelmingly meat" (749 F.2d at 57). The Department itself recognizes that MS(S) "consists largely of muscle tissue" (47 Fed. Reg. 28228).

<sup>2</sup> The District court in *CNI v. Butz* noted specifically that the secretary had not adequately considered calcium implications in when promulgating the interim rule.



Nonetheless, under the current regulations, the labels of products containing MS(S) do not have to mention calcium at all unless the calcium content of finished product exceeds a certain amount. Thus, the Department has taken the position that the term "Mechanically Separated (Species)" will, by itself, inform consumers of increased calcium up to 20 mg per serving. Plainly, however, it would be even more informative to consumers on calcium-restricted diets to state on the labels of all products containing MS(S) the amount of calcium, even if it is less than 20 mg per serving. If that were done, there would be no reason to list MS(S) in the ingredient statement. In other words, rather than stating "mechanically separated pork", for example, and leaving the target group of consumers with the task of concluding the presence of added calcium up to 20 mg per serving, the ingredient statement could state "pork", and be followed by a statement of the amount of calcium, regardless of whether it is more or less than 20 mg per serving. In the final analysis, it simply makes good sense to tell more about a product itself than to describe the process used to produce a portion of it.<sup>4</sup> Petitioner's proposal would do precisely that.

Significantly, at the time the MS(S) regulation was last amended in 1982, concern centered on a small group of persons who might possibly ingest too much calcium. Now, there is a much greater concern about at least half of the population—women—not receiving adequate intakes of calcium. The Consensus Committee on Osteoporosis reported in 1984 that calcium intake for postmenopausal women should be doubled over the present 800 mg. RDA and substantially increased for premenopausal women as well. In short, stating the exact calcium content of a finished product, which is the core of Petitioners' proposal, would be beneficial to the much larger group seeking more calcium as well as to persons seeking to avoid it.

we are doing so from the standpoint of labeling. In the earlier rulemaking proceedings on this subject, other concerns were addressed in the regulations dealing with the definition and uses of MS(S) (e.g., §§ 319.5 and 319.6). It is important that concerns addressed by these other regulations not be confused with the concern (calcium) addressed in the labeling regulation (§ 317.2(j)(13)). As stated at the outset, this petition seeks amendment only of the labeling regulation.

<sup>4</sup> Although the term "mechanically separated" is supposed to suggest the presence of bone tissue, the Market Research Services Survey, which was part of the administrative record, showed that many participants in focus group discussion did not, however, associate bone content with calcium content.

The only other conceivable area of concern with MS(S) is fat content, for MS(S) may have a higher fat content than some hand-deboned meat. However, this concern has been addressed by the fat limitations imposed on finished products, for example, the 50 percent fat limitation applicable to pork sausage and whole hog sausage. (See §§ 319.141 and 319.144.)

Finally, as to any other characteristic of MS(S) which is different from hand-deboned comminuted meat, *even though any such characteristic has no health implications*, petitioners propose that MS(S) constitute no more than 10% (rather than 20%) of the meat portion of a finished meat food product when the ingredient statement does not list MS(S). (See § 319.6(b) and (c).) This further limitation on the amount of MS(S) would not only reduce the amount of calcium (which would nevertheless be disclosed) but necessarily would reduce to negligible levels the overall amount of MS(S) in a finished product. At this level, there simply is no rational justification for separate identification of MS(S).<sup>5</sup> Of course, packers would have the option of using up to 20% MS(S) in the livestock and poultry portion of finished products if they elect to list MS(S) in the ingredient statement.)

The labeling changes which Petitioners propose are entirely consistent with the overall scheme of regulation of MS(S). The Secretary has determined that MS(S) is a distinct product with distinct characteristics. While not included within the technical definition of "meat" under the current regulations, MS(S) in fact, is, as expressly found by the Court of Appeals, "overwhelmingly" meat. Consistent with the Department's view that this product is unique, a special labeling requirement for it under § 317.2(c) would be appropriate, namely, that MS(S) need not be identified as such in the ingredient statement if the amount of calcium, the only property of MS(S) with any significance from a health standpoint, is specifically stated and MS(S) is limited to 10% of the meat portion of the finished product. Thus, the general requirement that MS(S) be listed as such in the ingredient statement, should give way to an optional method of describing a unique type of meat, which method unquestionably would be more informative about the only

<sup>5</sup> Indeed, there is no rational reason to require its separate identification even at the 20% level. As Judge Scalia stated in *CNI v. Block*: "[W]hen used in the maximum proportions permitted by the regulations, [MS(S)] was shown by scientific studies and taste tests to affect neither the nutritional nor the organoleptic characteristics of the product" (749 F.2d at 56).

significant property of the meat (calcium). This would be especially appropriate since MS(S) is overwhelmingly meat in the first place and since it would account only for a very small proportion of the finished product by reason of its being limited to 10% of the meat portion of the product.<sup>6</sup>

## PART 317—[AMENDED]

According, Petitioners request that § 317.2(j)(13) be amended to read as follows (new language underscored):

### § 317.2 [Amended]

(j) \* \* \*

(13)(i) On the label of any "Mechanically Separated (Species)" described in § 319.5(a) of this subchapter, the name of such product shall be followed immediately by the phrase "for processing" unless such product has a protein content of not less than 14 percent and a fat content of not more than 30 percent.

(ii) When any "Mechanically Separated (Species)" described in § 319.5 of this subchapter is used as an ingredient in the preparation of a meat food product and such "Mechanically Separated (Species)" contributes 20 mg or more of calcium to a serving of such meat food product, the label of such meat food product shall state the calcium content of such meat food product, determined and expressed as the percentage of the U.S. Recommended Daily Allowance (U.S. RDA) in a serving in accordance with 21 CFR 101.9(b)(1), (c)(7)(i) and (iv), and (e), as part of any nutrition information included on such label, or if such meat food product does not bear nutrition labeling information, as part of a prominent statement in immediate conjunction with the list of ingredients, as follows: "A \_\_\_\_\_ serving contains \_\_\_\_\_% of the U.S. RDA of calcium", with the blanks to be filled in, respectively, with the quantity of such product that constitutes a serving and the amount of calcium provided by such serving: Provided, That, calcium content need not be stated where (a) the percent of the U.S. RDA of calcium to be declared would not differ from the percent of the U.S. RDA that would be declared if the meat food product contained only hand deboned ingredients or (b) the calcium content of a serving of the meat food product would be 20 percent of the U.S. RDA or more if the meat food product

<sup>6</sup> The Department, of course, has the legal authority to promulgate the proposed revision. See 21 U.S.C. 601(n)(7) and 9 CFR 317.2(c).



contained only hand deboned ingredients.

*Mechanically Separated (Species) may be designated in the list of ingredients as the species from which it was derived (a) if the calcium content of the meat food product, irrespective of amount, is stated on the label as part of any nutrition information on the label or in immediate conjunction with the list of ingredients or otherwise conspicuously on the label; and (b) if the mechanically separated species constitutes no more than 10 percent of the livestock and poultry portion of any meat food product.*

As stated in the 1982 rulemaking proceeding, this amendment would permit "the labeling requirements for meat food products in which [MS(S)] is used . . . to continue to provide adequate, nonmisleading information while reducing their burden and avoiding unwarranted and possibly derogatory implications (47 FR 28222). Indeed, Petitioners submit that the proposed amendment would accomplish those objectives more effectively.

Respectively submitted,

Classie, Pewett, Dudley, Beebe, & Shanks,  
P.C.

By \_\_\_\_\_  
James M. Kefauver

1317 F Street, N.W., Washington, DC 20004,  
Telephone: 783-1414

Counsel for Petitioners

Date: November 10, 1986: FSIS has commenced a review of the labeling provisions for mechanically separated (species), when it is used as an ingredient in meat food products, to determine if the petitioned action is warranted. To ensure that the review is comprehensive, FSIS is soliciting information and comments concerning the action requested. The Department will carefully consider comments and information on issues raised by the petition in deciding if further regulatory action should be proposed regarding labeling requirements for mechanically separated (species) when it is used as an ingredient in a meat food product. In particular, answers to the following questions would be most helpful:

1. Would the labeling of a meat food product containing "Mechanically Separated (Species)" be false or misleading if the ingredients statement on the labeling did not include "Mechanically Separated (Species)"?

2. Would an optional labeling statement, such as proposed in the petition, be a sufficient substitute for listing "Mechanically Separated (Species)" in the ingredients statement on the labeling of a meat food product in which it is used?

3. Is the 10 percent use limitation for Mechanically Separated (Species), proposed by the petition, a reasonable amount for triggering the optional calcium content labeling statement provided for by the petition?

4. Are there any other options, other than the one proposed in the petition, to accomplish the objective of the petitioners?

Done at Washington, DC, on: March 30, 1987.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 87-7355 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-DM-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-47]

#### Quality Technology Company, Petition for Rulemaking; Extension of Comment Period

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; Extension of comment period.

**SUMMARY:** On January 12, 1987 (52 FR 1200), the NRC published a notice of receipt for a petition for rulemaking dated October 27, 1986, that was filed by Quality Technology Company. The petition was assigned Docket No. PRM-50-47 on November 14, 1986. The notice of receipt requested that the public submit comments by March 13, 1987. A request for an extension of the comment period indicates that the public needs additional time to coordinate views and prepare comments. The NRC agrees that it takes considerable time to coordinate views of several groups to be included in a single comment, and, further, values the contribution public comments lend to its assessment of a petition for rulemaking. Therefore, this notice extends for 60 days the original comment period for PRM-50-47 to May 13, 1987.

**DATE:** Submit comments by May 13, 1987, a 60-day extension of the original comment period. Comments received after this date will be considered if it is practical to do so but assurance of consideration cannot be given except as to comments received before this date.

**ADDRESSES:** Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Obtain a copy of the petition by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A copy of the petition and of comments on the petition are available for inspection or copying for a fee at the

Public Document Room at 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Juanita F. Beeson, Acting Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-4268, or, Toll Free, 800-368-5642.

Dated at Washington, DC, this 30th day of March, 1987.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 87-7416 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Part 368

[Docket No. 70238-7038]

#### District Offices; Removal of Authority To Process International Import Certificates

**AGENCY:** Export Administration, International Trade Administration, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Commerce is issuing a proposed rule to remove the authority of Department of Commerce District Offices to process International Import Certificates. Once this proposed rule is adopted as final, a U.S. importer of commodities that require an International Import Certificate will have to submit each request for the certification, validation or amendment of the Certificate (Form ITA-645P/ATF-4522/DSP-53) to the Office of Export Licensing in Washington, D.C. This centralized processing is intended to result in more uniform processing of International Import Certificates.

**DATE:** Comments should be received by June 2, 1987.

**ADDRESS:** Written comments (six copies) should be sent to: Joan Maquire, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

**FOR FURTHER INFORMATION CONTACT:** John Black or Patricia Muldonian, Regulations Branch, Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-2440).



**SUPPLEMENTARY INFORMATION:****Rulemaking Requirements and Invitation to Comment**

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under §§ 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule involves a collection of information under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The collection of this information has been approved by the Office of Management and Budget under control number 0625-0064.

The period for submission of comments will close June 2, 1987. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that part or all of the material be treated

confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and will not consider them in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street, and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying or records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

**List of Subjects in 15 CFR Part 368**

Imports, Penalties, Reporting and recordkeeping requirements.

Accordingly, Part 368 of the Export Administration Regulations is proposed to be amended as follows:

**PART 368—[AMENDED]**

1. The authority citation for 15 CFR Part 368 continues to read as follows:

**Authority:** Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

**§ 368.2 [Amended]**

2. Section 368.2 is amended as follows:

A. The third sentence under paragraph (a)(1) is amended by removing the clause ", or the nearest District Office listed in § 368.2(a)(2).";

B. Paragraph (a)(2)(i) is amended by removing the paragraph designator and the word "or" appearing at the end of the text and by replacing the comma at

the end of the amended text with a period;

C. Paragraph (a)(2)(ii) is removed; and  
D. Paragraph (a)(12)(i) introductory text is amended by revising the words "any of the Offices listed in § 368.2(a)(2)" to read "the Office of Export Licensing".

Dated: March 31, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-7442 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-25-M

**TENNESSEE VALLEY AUTHORITY****18 CFR Part 1301****Freedom of Information Act; Schedule of Fees**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Proposed rule.

**SUMMARY:** TVA proposes to amend its schedule of fees for processing requests for records which are made available for public inspection. The Freedom of Information Reform Act of 1986 requires agencies to issue final regulations in conformance with the Office of Management and Budget (OMB) guidelines and schedule of fees.

**DATE:** Comments must be received by May 4, 1987.

**ADDRESS:** Comments should be sent to Craven Crowell, Director, Office of Information, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

**FOR FURTHER INFORMATION CONTACT:** Gilbert D. Francis, Jr., (615) 632-6000.

**SUPPLEMENTARY INFORMATION:** This proposed rule is not a major rule for the purpose of Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

**List of Subjects in 18 CFR Part 1301**

Administrative practice and procedure, Freedom of Information, Privacy, Sunshine Acts.

For the reasons set forth in the preamble, TVA proposes to amend 18 CFR Part 1301 as follows:

**PART 1301—PROCEDURES**

1. The authority for Part 1301, Subpart A, is revised to read as follows:

**Authority:** 16 U.S.C. 831-831dd, 5 U.S.C. 552, 18 U.S.C. 208(b).



2. Section 1301.2 is revised to read as follows:

**§ 1301.2 Schedule of fees.**

(a) *Basis.* Except as otherwise provided in paragraph (d) of this section, TVA records which are available for public inspection under § 1301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, duplicating, and in the case of commercial requesters, reviewing the records.

(b) *Definitions.*—(1) *Search.* The term "search" includes all time spent looking for material that is responsive to a request, including line-by-line identification of material within documents, and computer searches using existing programming.

(2) *Duplication.* The term "duplication" refers to the process of making a copy of a document necessary to respond to a request. Such copies can take the form of paper copy, microform, audiovisual materials, or machine-readable documentation (e.g., magnetic tape or disk), among others.

(3) *Review.* The term "review" refers to the process of examining documents located in response to a commercial use request to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release.

(4) *Commercial use request.* The term "commercial use request" refers to a request from or on behalf of one who seeks information for a use or purpose that is related to commerce, trade, or profit as these phrases are commonly known or have been interpreted by the courts in the context of the Freedom of Information Act. In determining the nature of a request, TVA will look to the use to which a requester will put the documents requested. Where a requester does not explain the use or where the explanation is insufficient, TVA may draw reasonable inferences from the requester's identity and charge fees accordingly.

(5) *Educational institution.* The term "educational institution" refers to an accredited institution of higher learning engaged in scholarly research.

(6) *Noncommercial scientific institution.* The term "noncommercial scientific institution" refers to an independent nonprofit institution whose purpose is to conduct scientific research.

(7) *Representative of the news media.* The term "representative of the news media" refers to any representative of established news media outlets, i.e., any

organization such as a television or radio station, or a newspaper or magazine of general circulation, or a person working for an organization which regularly publishes information for dissemination to the general public whether electronically or in print. In the case of "free-lance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(c) *Fees.* The following fees are applicable:

(1) *Search time charges for other than computer searches.* For time spent by clerical employees in searching files the charge is \$8.35 per hour. For time spent by supervisory and professional employees, the charge is \$19.75 per hour.

(2) *Duplication charges.* For photostatic reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is 10 cents per page. For reproduction of other materials, the charge is the direct cost of photostat or other means necessarily used for duplication.

(3) *Review charges.* For reviewing documents in response to a commercial use request, the time spent reviewing them to determine whether they are exempt from mandatory disclosure is charged at the same rates as search time.

(4) *Charges for computer searches.* For computer searches, the charge is the direct cost of providing the service, including computer search time, runs, and operator salary.

(5) *Other charges.* Where a response to a request requires services (including personnel) or materials other than the ones described in paragraphs (c) (1), (2), (3), and (4) of this section, the charge is the full cost of any such services and materials which TVA agrees to provide, but only if the requester has been notified of such cost before it is incurred, or if the request contains a statement accepting responsibility for the cost to be incurred. Such services or materials include:

(i) Certifying that records are true copies;

(ii) Packaging and mailing records rather than holding for pickup;

(iii) Sending records by special methods such as express mail, etc.

(d) *Waiver of fees and services provided without charge.* (1) TVA waives or reduces fees otherwise chargeable under this section if TVA determines that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the

Government and is not primarily in the commercial interest of the requester.

(2) Except for documents provided in response to a commercial use request, the first 100 pages of duplication and the first 4 hours of search time will be provided without charge. Educational and noncommercial scientific institution requesters who seek records for scholarly or scientific research and representatives of the news media are not charged search time.

(3) No fee is charged to any requester if the cost of collecting the fee would be equal to or greater than the fee itself.

(e) *Assessment and collection of fees.*

(1) Interest may be charged to those requesters who fail to pay fees charged. Interest may begin to be assessed on the amount billed starting on the 31st day following the day on which the billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717.

(2) If TVA reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, TVA may aggregate any such requests and charge accordingly.

(3) If TVA determines that allowable charges a requester may be required to pay are likely to exceed \$250, TVA may require a requester to make an advance payment of the entire fee before continuing to process the request. The administrative time limits prescribed in § 1301.1(c) of this part will begin to run only after TVA has received any payment required to be made in advance under this provision.

(4) Where a requester has previously failed to pay a fee charged in a timely manner (within 30 days of the date of billing), TVA may require the requester to pay the full amount owed plus any applicable interest as provided above and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. The administrative time limits prescribed in § 1301.1(c) of this part will begin to run only after TVA has received any payment required to be made in advance under this provision.

(5) TVA may assess charges for time spent searching, even if TVA fails to locate the records or if records located are determined to be exempt from disclosure.

W.F. Willis,

General Manager.

[FR Doc. 87-7367 Filed 4-2-87; 8:45 am]

BILLING CODE 8120-01-M



## DEPARTMENT OF THE TREASURY

## Customs Service

## 19 CFR Part 111

## Withdrawal of Proposed Customs Regulations Amendment Relating to Customs Broker Examinations

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This document withdraws the proposed amendment to the Customs Regulations which would have reduced the number of times per year the examination for those wishing to become licensed Customs brokers is given from twice to once per year. Upon further consideration, it has been determined advisable not to proceed with the proposal.

**DATE:** Withdrawal effective on April 3, 1987.

**FOR FURTHER INFORMATION CONTACT:** William Wagner, Commercial Compliance Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8121).

## SUPPLEMENTARY INFORMATION:

## Background

Part 111, Customs Regulations (19 CFR Part 111), sets forth the general provisions, as well as specific procedures, relating to Customs brokers, that is, individuals, partnerships, associations, or corporations licensed to transact Customs business on behalf of others. In particular, § 111.13, Customs Regulations, contains the procedural aspects of the examination of applicants for individual brokers licenses. By notice published in the *Federal Register* on April 25, 1986 (51 FR 15636), it was proposed to amend § 111.13(b), Customs Regulations, by reducing the number of annual examinations for those wishing to become licensed Customs brokers from twice to once per year.

Currently, Customs gives examinations in April and October. They are prepared and graded in Customs Headquarters and are designed to test an applicant's knowledge of customs and related laws, regulations, and procedures, and his or her fitness to render valuable service to importers and exporters. Due to increasing numbers of applicants and Customs limited resources with which to prepare, give, and grade the exam, Customs was concerned that the quality of the testing program might suffer. This could lead to the licensing of individuals who do not meet the standards maintained by previous examinations.

In response to our proposal, several commenters noted that once-a-year examination schedules would place a hardship on companies and individuals waiting to become licensed brokers. In response to that problem we have determined to continue to offer two examinations while maintaining their integrity by alternate staffing methods. We are therefore withdrawing the proposal to reduce the number of examinations.

## Action—Withdrawal of Proposal

Based upon further consideration of the matter, Customs has determined that the proposed amendment should not be adopted. Accordingly, the notice published in the *Federal Register* on April 25, 1986 (51 FR 15636), is withdrawn.

## Drafting Information

The principal author of this document was John Doyle, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

Dated: March 30, 1987.

John B. O'Loughlin,

Acting Assistant Commissioner, Commercial Operations.

[FR Doc. 87-7351 Filed 4-2-87; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF LABOR

## Employment and Training Administration

## 20 CFR Part 615

## Closing Date for Comments on Notice of Proposed Rules for the Federal-State Unemployment Compensation Program; Extended Benefits; Extension of Comment Period

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of extension of closing date for comments.

**SUMMARY:** This notice extends the date of closing for comments on the Notice of Proposed Rulemaking published in the *Federal Register* on October 24, 1986 (51 FR 37746), concerning revision of the regulations for the Extended Benefit Program. The former closing date for comments was November 24, 1986. The new closing date is April 20, 1987.

**DATE:** Written comments must be received by the close of business on April 20, 1987.

The address for comments is not changed.

**FOR FURTHER INFORMATION CONTACT:** Carolyn M. Golding, Director, Unemployment Insurance Service (202) 376-6636.

Signed at Washington, DC on March 27 1987.

Roberts T. Jones,

Deputy Assistant Secretary of Labor.

[FR Doc. 87-7404 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Parts 1 and 602

[LR-95-86]

## Income Taxes; Information Reporting on Real Estate Transactions; Cross-Reference

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In the Rules and Regulations portion of this issue of the *Federal Register*, the Internal Revenue Service is issuing temporary regulations relating to the information reporting requirements for real estate transactions. The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

**DATES:** Written comments and requests for a public hearing must be delivered or mailed by June 2, 1987. The amendments to the regulations are proposed to be effective for real estate transactions closing after December 31, 1986.

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-95-86), Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Arthur E. Davis III, of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224, Attention: CC:LR:T, (202) 566-3461 (not a toll-free call).

## SUPPLEMENTARY INFORMATION:

## Background

The temporary regulations in the Rules and Regulations portion of this issue of the *Federal Register* amend the Income Tax Regulations (26 CFR Part 1) to provide rules relating to the information reporting requirements for real estate transactions under section 6045(e) of the Internal Revenue Code of 1986. The temporary regulations reflect



the addition of section 6045(e) to the Code by section 1521 of the Tax Reform Act of 1986 (100 Stat. 2746). This document proposes to adopt the temporary regulations as final regulations. Accordingly, the text of the temporary regulations serves as the comment document for this notice of proposed rulemaking. In addition, the preamble to the temporary regulations explains the proposed and temporary rules.

For the text of the temporary regulations, see FR Doc. (T.D. 8135) published in the Rules and Regulations portion of this issue of the Federal Register.

#### Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

#### Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

#### Drafting Information

The principal author of these proposed regulations is Arthur E. Davis III, of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

#### List of Subjects

26 CFR 1.6001-1 through 1.6109-2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 602

OMB control numbers under the Paperwork Reduction Act.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87-7388 Filed 4-1-87; 8:45 am]

BILLING CODE 4830-01-M

#### DEPARTMENT OF TRANSPORTATION

##### National Highway Traffic Safety Administration

##### 49 CFR Part 571

[Docket No. 87-07; Notice 7]

##### Federal Motor Vehicle Safety Standards; Motor Vehicle Brake Fluids

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Grant of petition for rulemaking; notice of proposed rulemaking.

**SUMMARY:** This notice grants two related petitions for rulemaking submitted separately by the Chemical Specialties Manufacturers Association and the firm of Arent, Fox, Kintner, Plotkin & Kahn, on behalf of companies engaged in the manufacture and sale of motor vehicle brake fluid. The petitioners requested NHTSA to amend the brake fluid container labeling requirements of Federal Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, to provide for the use of permanently affixed labels (e.g., paper labels) on brake fluid containers. This notice proposes to revise the labeling requirements for both brake fluid containers and hydraulic system mineral oil containers, to permit container labeling by means other than by marking the required information directly on the container (i.e., permanently affixed labels). Procedures are proposed for testing the labeling of all such containers, including containers which are marked with information

directly on the container, to ensure that the required information remains legible and present on the container after contact with the fluid.

**DATES:** Comments must be submitted not later than June 2, 1987. If adopted, this rule would be effective 180 days after publication of the final rule in the Federal Register.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366-5277.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, specifies requirements for fluids used in hydraulic brake systems and for labeling the containers of these fluids. The purpose of the standard is "to reduce failures in the hydraulic braking systems of motor vehicles which may occur because of the manufacture or use of improper or contaminated fluid." (49 CFR 571.116.)

#### Background

Standard No. 116 has been in effect as a motor vehicle safety standard since passage of the National Traffic and Motor Vehicle Safety Act in 1966. In 1971, the standard was amended to establish requirements for the labeling of brake fluid containers. The rule required certain information to be clearly and indelibly marked on each brake fluid container.

*Requirements of Standard No. 116:* Paragraph S5.2.2 of the standard sets forth the certification, marking and labeling requirements of the standard. S5.2.2.1 applies to manufacturers of brake fluid. It requires them to furnish certain information to each packager, distributor, or dealer to whom the manufacturer delivers the fluid, including information identifying the production lot and date of manufacture of the brake fluid and the fluid's grade and minimum wet boiling point, and a certification that the brake fluid conforms to Standard No. 116.

S5.2.2.2 applies to packagers of brake fluid and specifies the information required to be on brake fluid containers. That paragraph requires packagers to furnish the required information "clearly and indelibly marked on each brake fluid container." The required information includes the certification that the fluid conforms to Standard No. 116, the name of the packager and name and mailing address of the distributor, information relating to identifying the packaged lot and date of packaging and the type of brake fluid contained in the



package, the minimum wet boiling point of the fluid, and a series of safety warnings. The safety warnings concern proper storage of the fluid and the safety consequences of using contaminated fluid. Comparable labeling requirements are set forth in S5.2.2.3 for packagers of hydraulic system mineral oil.

The safety warnings required of brake fluid and hydraulic system mineral oil containers serve as a safeguard against failures in hydraulic braking systems that might result from the use of improper or contaminated fluids. The warnings also help to prevent improper storage of the brake fluid which could contaminate the fluid or cause it to absorb moisture. Avoiding the absorption of moisture is extremely important since moisture in a brake system degrades braking performance and safety by lowering the brake fluid's boiling point, increasing the fluid's viscosity at low atmospheric temperatures and increasing the risk of brake system component corrosion. Lower boiling points increase the risk of brake system failure and increase the possibilities of vapor lock. The safety warnings also alert users of brake fluid containers with capacities less than five gallons that the containers should not be refilled.

*Interpretation of S5.2.2.2:* In an April 1984 letter to McGraw-Edison, the agency interpreted Standard No. 116 as prohibiting the use of labels, whether paper or of some other material, to meet the "marked on each . . . container" requirements of S5.2.2.2 of the standard. NHTSA stated that S5.2.2.2 required the relevant information to be marked directly on the brake fluid container and not simply on a label that is affixed to the container. This conclusion was based on a review of the plain language of S5.2.2.2 and the *Federal Register* notices proposing and adopting that language. Subsequent interpretations reiterated the agency's conclusion that paper labels were not sufficient to meet the "marked on each . . . container" requirements of the standard.

Members of the brake fluid marketing industry expressed concern about the effects of the agency's interpretations of S5.2.2.2. It became apparent that some brake fluid manufacturers and packagers had been using permanently affixed labels on their products, unaware that this practice did not meet the requirements of S5.2.2.2. The industry's concern culminated in the submission of two petitions for rulemaking to amend the labeling requirements of the standard.

#### Petitions for Rulemaking

The two petitions for rulemaking received by NHTSA request the agency to amend Standard No. 116 to provide for the use of permanently affixed labels to satisfy the marking requirements of S5.2.2.2. The Chemical Specialties Manufacturers Association (CSMA) and the law firm of Arent, Fox, Kintner, Plotkin & Kahn (Arent) petitioned the agency on behalf of companies engaged in the manufacture and sale of motor vehicle brake fluid. Because the two petitions share similar interests in the use of permanently affixed labels on brake fluid containers, NHTSA has decided to respond to both of their requests in this grant notice and NPRM.

*CSMA:* The CSMA is a voluntary trade association of over 400 companies engaged in the manufacture, distribution and marketing of chemical specialty products, and includes companies engaged in the manufacture and packaging of motor vehicle brake fluid. According to the CSMA, most brake fluid sold at retail is packaged under private brand names by independent packagers. An independent packager inventories large quantities of containers which are filled on an "as needed" basis as orders are placed by various brake fluid marketers distributing under their own brand names.

The CSMA believed that Standard No. 116 should permit brake fluid packagers the use of permanently affixed labels to affix required information on the containers because that would reduce costs with no negative effect on safety. According to the petitioner, the use of permanently affixed labels would permit a private brand name brake fluid packager to attach preprinted, low cost labels on readily available containers and avoid the expense of readjusting packaging lines each time a different brake fluid brand is packaged. The CSMA stated that it is economically unfeasible for independent packagers, typically small businesses, to directly mark the containers for each brand of brake fluid and store them in advance of packaging. It believed that the requirement for directly marking brake fluid containers entails the purchase of expensive machinery and increases other production costs, and "will serve only to eliminate from the marketplace those companies which contract-package brake fluid under private labels."

The CSMA argued that the standard's current labeling requirements, which specify that required information must be "indelibly marked" on brake fluid containers, are impracticable because

"it is doubtful that any method of marking brake fluid containers could be considered indelible [since] any label, whether marked directly on the container or affixed thereto, can be removed." The petitioner believed that the labeling requirements should refer neither to an "indelibly marked" requirement nor focus on the method of application of the required labeling. The petitioner suggested instead that the requirements address the performance of the label, i.e., its ability to adhere to the container during the life of the product and convey the information of its markings. The CSMA stated that the state-of-the-art printing and labeling technologies are such that adhesive labels can be made not to smear, run or become unattached from the container when exposed to brake fluid. In support of its argument to permit permanently affixed labels, the CSMA suggested a test method for determining the durability and indelibility of labels on containers of brake fluid. That method includes procedures for immersing a container in brake fluid and determining whether an affixed label is capable of being destroyed or defaced when the attempt is made to remove it.

*Arent:* Arent petitioned the agency on behalf of client companies engaged in the marketing of brake fluid products. The petitioner's request to amend Standard No. 116 to permit permanently affixed labels on brake fluid containers was based on arguments that such an amendment would be "pro-competitive, pro-consumer and achieve the intended purpose (label permanency) of NHTSA," without an adverse effect on safety. The arguments made by Arent were virtually identical to those of the CSMA.

Arent believed, as did the CSMA, that small businesses and consumers would benefit from use of permanently affixed labels. Arent cited the extensive use of private label marketers in the brake fluid industry and stated that the use of permanent paper labels is critical to marketing strategy. According to Arent, an amendment to Standard No. 116 would result in cost benefits for the consumer by avoiding the costs associated with directly marking brake fluid containers. Arent also explained that current labeling requirements make it costly to label eight ounce plastic bottles and if the requirements are not changed, packagers using plastic bottles might discontinue use of the eight ounce size. Arent believed this is undesirable because plastic bottles are less expensive than metal cans, and because the eight ounce size, while very popular, is unavailable in metal cans.



Similar to the CSMA, Arent believed that the "indelibly marked" requirement of Standard No. 116 cannot be attained. Arent stated that a "rule of reason" is necessary which would "[seek] to confirm that under normal applications and usage, the package label will remain on the container, just as a vehicle's certification label remains on the vehicle." The petitioner suggested that Standard No. 116's labeling requirements be amended to permit use of "permanently affixed" paper labels; i.e. labels affixed in such a manner that they cannot be removed without destroying or defacing them. Unlike the CSMA, Arent included no performance criteria for determining the durability and indelibility of the labels.

#### Discussion

The agency has determined that petitioners' arguments warrant further consideration and has therefore granted their petitions. NHTSA believes that the safety warnings and other information required of brake fluid containers are important and necessary safeguards against failures in hydraulic braking systems. The agency has tentatively concluded that petitioners' request to provide for the use of permanently affixed labels meeting label retention performance requirements enhances manufacturer flexibility in the packaging of brake fluid while ensuring that safety needs are met.

While petitioners requested changes only to Standard No. 116's labeling requirements for brake fluid containers, this notice proposes to revise the labeling requirements for both brake fluid containers and hydraulic system mineral oil containers. NHTSA believes that the same considerations for permitting permanently affixed labels on brake fluid containers apply to the labeling of hydraulic system mineral oil containers, and knows of no reason not to allow packagers of hydraulic system mineral oil the same flexibility in packaging their product. Thus, this notice proposes to amend S5.2.2.2 and S5.2.2.3 of Standard No. 116 to permit container labeling by means other than by marking the required information directly on the container (i.e., the use of permanently affixed labels and to add a new paragraph S6.14 describing procedures for testing all labeling of containers, whether marked directly on the container or on an affixed label, to ensure that the required information remains legible and present on the container after contact with fluid.

#### NHTSA's Authority To Set Labeling Requirements

In support of their requests for use of permanently affixed labels on brake fluid containers, both Arent and the CSMA argued that section 114 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1403) precluded the agency from requiring that the certification of compliance be directly marked on the container. Section 114 of the Act pertains to manufacturer and distributor certification responsibilities, and states: "... [Certification of an item of motor vehicle equipment] may be in the form of a label or tag on such item or on the outside of a container in which such item is delivered. . . ." The CSMA argued that, because the Act provides for certification of motor vehicle equipment by means of attaching a label or tag to the item of equipment, NHTSA's requirement for marking a certification directly on brake fluid containers "contravenes the clear language of Section 1403" and is thus invalid under the holding of *Rex Chainbelt, Inc. v. Volpe*, 486 F.2d 757 (7th Cir., 1973). Arent also argued implicitly that NHTSA is precluded from setting a permanency requirement for the labels attached to brake fluid containers since none is required by section 114 (15 U.S.C. 1403).

Contrary to the suggestions of the petitioners, the Act does not compel adoption of an amendment permitting compliance with the standard's labeling requirements by means of a permanently affixed label. Even if petitioners were correct in their legal arguments regarding the use of permanently affixed labels for certification purposes, those arguments would be inapposite for the remainder of the standard's labeling requirements which are not related to certification. Apart from the certification requirement, the labeling requirements all concern safety warnings and are issued under the authority of sections other than § 114. Thus, the petitioners' legal arguments would dictate at most that the agency cease to require that the certification statement be included in the label bearing the safety warnings and other safety information and instead permit brake fluid manufacturers to use two different labels: A tag or affixed label to provide certification, in addition to a direct marking on the container to provide the safety warnings and other safety information.

The petitioners' arguments focus on the certification labeling requirement of Standard No. 116 to the exclusion of the numerous safety warning labeling

requirements of that standard. The information required by the standard and objected to by the petitioners consists primarily of safety warnings and other safety-related statements directed towards preventing failures in hydraulic brake systems that might result from the use of improper or contaminated fluids. Thus, contrary to the approach taken by the petitioners, the information required by S5.2.2.2 for brake fluid containers is not intended to constitute only a declaration of certification. As explained above, brake fluid contaminated by moisture can degrade the performance and safety of hydraulic braking systems because of the lower boiling point and increased viscosity at low temperatures and the increased risk of brake system component corrosion. Because of these hazards, brake fluid container labels are required to provide warnings to users of the fluid and information identifying the packager, distributor and packaged lot of noncomplying fluid to facilitate agency enforcement efforts. While the certification labeling requirement is subject to any limitation established by § 114, the safety warning labeling requirements are not. The agency's determination of the manner of providing the warning labeling is based on the broad authority of sections 103, 112 and 119 of the Act.

The agency notes that brake fluid packagers would still be obligated under current requirements of the standard to directly mark the safety warnings on containers of brake fluid regardless of whether the certification were also required to be so marked. Since the warning labeling requirements are distinct from certification labeling requirements, the use of permanently attached labels would not become a permissible means of compliance with all Standard No. 116 labeling requirements simply as a result of changing the certification labeling requirements of the standard, as petitioners seem to believe. Moreover, NHTSA finds no merit in the argument that section 114 of the Safety Act prohibits the agency from requiring the certification to be directly marked on brake fluid containers. Section 114 concerns the responsibility of motor vehicle and motor vehicle equipment manufacturers to certify their products and to provide the certification to their distributors and dealers. It states, in pertinent part:

Every manufacturer or distributor of . . . motor vehicle equipment shall furnish [the certification] to the distributor or dealer at the time of delivery of such . . . equipment by such manufacturer



or distributor. . . . In the case of an item of motor vehicle equipment such certification may be in the form of a label or tag on such item or on the outside of a container in which such item is delivered. . . .

The certificate required by section 114 is required of all manufacturers of motor vehicles or items of motor vehicle equipment to which a safety standard applies. The legislative history of section 114 indicates that Congress intended that section to direct itself primarily to the identity of the persons responsible for certifying compliance with the Federal standards. According to the House Committee report, "The committee believes that the manufacturer or distributor responsible for conforming to the Federal safety standards should have an affirmative duty to certify that such conformity has been achieved." H. REP. NO. 1776, 89th Cong., 2d Sess. 28 (1966).

The certificate required by section 114 functions to protect distributors and dealers from liability under the Safety Act for selling nonconforming vehicles and items of equipment. Exemptions from the prohibitions of the Act against the manufacture, sale or importation of noncomplying vehicles or equipment are provided in section 108(b)(2). That section protects from potential civil penalties persons who have a certificate from the manufacturer that the vehicle or equipment conforms to all applicable Federal standards (provided, of course, that the person did not know or have reason to know of the noncompliance). Section 108(a)(1)(C) prohibits the failure to issue the certificate required by section 114. In sum, the above sections of the Act avoid the imposition of absolute liability for violations of the Act in accordance with Congress' intent (see H. REP. NO. 1776, *id.* at 23), and provide assurances that the dealer will be protected in cases of products whose nonconformity with the standards is not known to the dealer.

NHTSA does not believe that section 114 delimits the manner of certification for motor vehicle equipment manufacturers. On the contrary, the Safety Act implicitly authorizes the agency to issue further certification requirements for items of motor vehicle equipment. This is evident from the Senate Committee Report which states that the certification of motor vehicle equipment "may also take some other form in appropriate cases . . . [and] could be provided . . . in such other form as [NHTSA] might by regulation authorize". . . . S. REP. NO. 1301, 89th Cong., 2d Sess. 8 (1966). Such authorization is further evidenced by the language of section 108(a)(2)(E) which

requires compliance with "any rule, regulation, or order issued under 114."

In addition to section 14, NHTSA has broad rulemaking authority under §§ 103 and 119 of the Safety Act. Section 119 authorizes the agency to issue rules and regulations deemed necessary to carry out the purposes of the Act. Pursuant to sections 114 and 119, NHTSA issued certification requirements for items of motor vehicle equipment in various equipment standards in addition to Standard No. 116, such as Standard No. 106, *Brake Hoses*, and Standard No. 109, *New Pneumatic Tires—Passenger Cars*. Many of NHTSA's certification requirements for items of motor vehicle equipment require the certification to be placed directly on the equipment. The agency believes that directly marking items of motor vehicle equipment with the certification of conformance as well as information relevant to safety performance facilitates enforcement efforts, provides notice of the performance capabilities of the equipment, helps to ensure that only complying equipment is sold and minimizes the cost of compliance. Because the certification requirements accord with the purposes and policies of the Safety Act, NHTSA rejects the petitioners' arguments that Standard No. 116's certification requirement contravenes the language of section 114.

The agency also does not agree with petitioners that the requirement that brake fluid containers be directly marked or permanently labeled is invalid under the holding of *Rex Chainbelt, id.* In *Rex Chainbelt*, the Seventh Circuit held that regulations promulgated by NHTSA under section 1407 of the Safety Act are to be upheld if they conform to the purposes and policies of the Act and if they do not contravene any of its terms. 486 F.2d at 761. The court concluded that the regulations at issue in that case, relieving incomplete vehicle manufacturers of the duty to certify their vehicles and to assume any legal liabilities that may be imposed because of the certification, contravened the language of the Act requiring incomplete vehicle manufacturers to certify the compliance of their vehicles.

As discussed above, section 114 the Safety Act imposes no requirement that certification of equipment be only in the form of an affixed label or tag. Further, the court in *Rex Chainbelt* specifically stated, "§ 1403 [section 114] does not prohibit the imposition of further certification requirements by regulations of the Secretary but merely specifies who *must* certify their vehicles." The agency therefore finds no contradiction between the terms of the Act and its

requirements under Standard No. 116 for brake fluid container labeling.

#### Test procedures

The major difference between the petitions from Arent and the CSMA is that the CSMA included suggestions for testing the durability and indelibility of labeling on brake fluid containers, whereas Arent suggested S5.2.2.2 specify only that the labels "be affixed in such a manner that it cannot be removed without destroying or defacing it." While making this suggestion, Arent also implicitly argued that NHTSA was precluded from setting a permanency requirement insofar as it applied to manufacturer certification of the brake fluid, because section 114 of the Safety Act makes no reference to permanency. The petitioner stated that its approach "actually exceeds the certification requirements contained in the governing statute (no reference to permanency)." NHTSA rejects this argument for the same reasons the agency rejected the assertion that a "directly marked" requirement is precluded under section 114.

Arent believed also that a "destroyed or defaced" requirement is appropriate for permanently attached labels because it is identical to the labeling requirement referenced in NHTSA's regulations for vehicle certification (49 CFR Part 567) and theft prevention (49 CFR Part 541). NHTSA agrees and has decided to include such a requirement in this proposal for brake fluid container labeling. However, the agency believes that additional test requirements are needed to ensure that important safety information on the label is provided to brake fluid users. The agency has tentatively concluded that test procedures for label indelibility and durability, such as those suggested by the CSMA, are needed to make labeling requirements more objective and to meet the need for motor vehicle safety. NHTSA is therefore proposing that labels meet the "destroyed or defaced" requirement after having been exposed to the test conditions of S6.14.

Arent suggested that it would be appropriate to use only the "destroyed or defaced" requirement for brake fluid container labeling because that is the sole criterion used for permanency in NHTSA's certification regulations (49 CFR Part 567). Part 567 requires that a certification label "be permanently affixed in such a manner that it cannot be removed without destroying or defacing it." It does not contain any other requirements and does not specify any conditions under which the "destroy



or defaced" requirement must be satisfied.

NHTSA disagrees with the petitioner. While both Part 567 and Standard No. 116 are intended to ensure that the required labeling remains in place and legible, there are several specific, identifiable problems, like brake fluid spills, against which the brake fluid labels should be protected. Thus, the agency believes that the general "destroyed or defaced" criterion in Part 567 is not sufficient for ensuring that the brake fluid label will be permanent. To ensure the permanency of brake fluid container labeling, additional criteria are appropriate in Standard No. 116 to address the specific hazards likely to interfere with the permanency of the labeling. The requirements must be directed at ensuring that the required labeling remains permanent notwithstanding contact with the elements and conditions of a garage-type environment. NHTSA believes it is appropriate to pattern test conditions for the labeling after real-world conditions likely to affect the adhesiveness and legibility of the labeling and set performance requirements ensuring that the information is present throughout the time the fluid will be used.

NHTSA believes that this proposal, recognizing the effect of environmental factors on labeling information, is consistent with regulations issued previously by the agency. NHTSA's theft prevention standard issued under Part 541 requires "permanently affixed" labels which remain in place and are legible for the life of the vehicle. The Part 541 permanency requirement is adopted from Part 567 and specifies that removal of the label must cause the label to self-destruct. (49 CFR 541.5(d)(ii)(v)(A).) Yet, the permanency requirement includes also provisions ensuring that the required labeling is protected from the effects of repair and maintenance operations, including rustproofing, painting and undercoating—i.e., damage resulting from foreseeable contact with substances and operations in the environment. (49 CFR 541.5(d)(1)(ii) (A) and (C).)

NHTSA stated in the preamble to the theft prevention standard: "It is imperative that the [labels] not be destroyed or rendered illegible during repair and maintenance operations, to the greatest extent practicable, since destroyed or illegible labels will serve the interests of no one. . . ." 50 FR 43166, 43171; October 24, 1985. We believe that the important safety warnings required by Standard No. 116 also call for a permanency and legibility

requirement which takes into account the environmental operations conditions (e.g., fluid exposure and wiping) to which the labeling will be exposed.

The procedures described in this proposal for the durability and indelibility of labeling on brake fluid and hydraulic system mineral oil containers apply to markings directly on containers and markings attached to containers by use of labels. NHTSA believes there is a safety need to ensure that all containers are properly marked, regardless of whether the markings are on the container itself or on an affixed label.

NHTSA recognizes that its current requirements do not contain procedures of this kind for markings that are made directly on containers of brake fluid and hydraulic system mineral oil. The agency believes the proposed procedures for the durability and indelibility of markings would be appropriate for those markings but invites comment on this issue.

The first step in the proposed procedures applies to affixed labels, and would require that the label be cut vertically from top to bottom. This step was proposed by the CSMA and NHTSA has tentatively decided to adopt it in the initial stage of the procedure.

Cutting the label is intended to address the use of various "slip-on" labels, which typically consist of a sleeve of paper or plastic which wraps around the container without the use of any type of adhesive material. NHTSA has tentatively concluded that this type of labeling should be prohibited due to the ease in which it can be removed from the container and the likelihood that containers will become completely unmarked before their fluid is used. Since no adhesive is used with these labels, the cutting of the label is likely to cause it to simply slip off the container without any further action by the person conducting the compliance test. Because the slip-on label is thus capable of being removed without destroying or defacing it after the initial step in the test conditions has been conducted, it would constitute a compliance failure.

During the next stage of testing, the container (i.e., test specimen) is soaked for 15 minutes at room temperature in the type of fluid found in the container. This aspect of the performance test was suggested by the CSMA and NHTSA tentatively agrees that the 15 minute period is adequate to determine the effect of the fluid on the container markings. The CSMA suggested also that affixed labels be wiped for determining whether they adhere properly to the container. NHTSA has

tentatively concluded that this suggestion is appropriate because it is foreseeable that fluid labels moistened by excess fluid dripping down the container will be wiped. This notice therefore proposes that after the period of exposure to the fluid, the markings required by S5.2.2.2 or S5.2.2.3 should be wiped by hand with a clean dry cloth. Compliance would be achieved if the required markings are legible to an observer having corrected visual acuity of 20/40 (Snellen ratio) at a distance of one foot, and if an affixed label, should one be provided, cannot be removed without destroying or defacing it.

NHTSA considered whether to specify letter font and color contrast of the labeling, but has determined that those requirements are unnecessary at this time. Should legibility problems develop due to the color of the labeling or use of inadequate letter fonts, the agency will initiate appropriate action to remedy the matter.

#### Impacts

NHTSA has examined the effect of this rulemaking action and determined that it is not major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory policies and procedures. Some saving might result from adoption of this proposal since petitioners estimate that the use of permanently affixed labels on brake fluid containers would result in savings for packagers and consumers. However, the agency does not believe that use of permanently affixed labels and adoption of compliance tests for container labeling will significantly affect the costs of brake fluid or hydraulic system mineral oil, or the cost of packaging these products.

NHTSA believes that the adoption of this rule would not increase the burdens for any party. On the contrary, the use of permanently affixed labels in packaging brake fluid and hydraulic system mineral oil would allow greater flexibility in product packaging. The agency believes that the compliance test suggested by one of the petitioners and proposed by this notice is not burdensome and that compliance would not be a problem for most manufacturers. However, comments are requested estimating the costs and other burdens which may affect some parties. Because NHTSA believes the impacts of this rule would be minimal, a full regulatory evaluation has not been prepared.

NHTSA has also considered the impacts of this rule on small entities, as required by the Regulatory Flexibility



Act. Based on this consideration, I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. Any fluid manufacturer or packager qualifying as a small business under the Regulatory Flexibility Act might benefit to a small extent by the changes proposed by this rule, since more flexibility is afforded to packagers in labeling their fluid containers and there might be a reduction in the costs associated with current packaging requirements. However, NHTSA believes that the revisions proposed by this notice should not result in significant cost impacts for any party.

Small governmental units and small organizations are generally affected by amendments to the Federal motor vehicle safety standards as purchasers of new motor vehicles and motor vehicle equipment. The agency believes these entities would not be significantly affected by the revisions proposed in this notice since the change would not significantly affect the price of motor vehicle brake fluids.

Finally, NHTSA has considered the environmental implications of this rule in accordance with the National Environmental Policy Act and determined that this rule will not significantly affect the human environment.

#### Comments

Interested persons are invited to submit comments on the proposals. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21.) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket

at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR 571.116, *Motor Vehicle Brake Fluids*, be amended as follows:

1. The authority citation for Part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

#### § 571.116 [Amended]

2. S5.2.2.2 of § 571.116 would be revised to read as follows:

S5.2.2.2 Each packager of brake fluid shall furnish the information specified in paragraphs (a) through (g) of this section by clearly and indelibly marking it on each brake fluid container or on a label (labels) permanently affixed to the container, in any location except a removable part such as a lid. After being subjected to the operations and conditions specified in S6.14, the information required by this section shall be legible to an observer having corrected visual acuity of 20/40 (Snellen ratio) at a distance of one foot, and a label (labels) affixed to the container in compliance with this section shall not be removable without destroying or defacing it.

3. S5.2.2.3 would be revised to read as follows:

S5.2.2.3 Each packager of hydraulic system mineral oil shall furnish the information specified in paragraphs (a) through (e) of this section by clearly and

indelibly marking it on each brake fluid container or on a label (labels) permanently affixed to the container, in any location except a removable part such as a lid. After being subjected to the operation and conditions specified in S6.14, the information required by this section shall be legible to an observer having a corrected visual acuity of 20/40 (Snellen ratio) at a distance of one foot, and a label (labels) affixed to the container in compliance with this section shall not be removable without destroying or defacing it.

4. A new S6.14 would be added after the formula set forth in S6.13.6(d) and before S7, *Auxiliary test methods and reagent standards*, to read as follows:

S6.14 *Container labeling*. Each container with information required by S5.2.2.2 or S5.2.2.3 marked directly on the container surface or on a label (labels) affixed to the container is subjected to the following procedure:

(a) If the container has a label affixed to it, make a single vertical cut all the way through the label with the container in the vertical position.

(b) Immerse the container in the same brake fluid or hydraulic system mineral oil contained therein for 15 minutes at room temperature ( $23 \pm 5^\circ\text{C}$ ;  $73.4 \pm 9^\circ\text{F}$ ).

(c) Within 5 minutes after removing the container, remove excess fluid from the surface of the container marked with the information required by S5.2.2.2 or S5.2.2.3, by wiping with a clean dry cloth.

Issued on March 30, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-7316 Filed 4-2-87; 8:45 am]

BILLING CODE 4910-59-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 640

##### Spiny Lobster Fishery in the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of minority report.

SUMMARY: NOAA issued a proposed rule (52 FR 8485, March 18, 1987) which would implement Amendment 1 to the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. A minority report on this



Amendment, prepared by five members of the Gulf of Mexico Fishery Management Council, is available to the public. These members disagree with the Councils' recommendation to allow the possession and transport of immature, undersize lobsters on board fishing vessels for use as live attractants in traps.

**ADDRESS:** Copies of the minority report and other documentation pertaining to the proposed rule may be requested from Michael E. Justen, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Michael E. Justen, 813-893-3722.

(16 U.S.C. 1801 *et seq.*)

Dated: March 30, 1987.

Richard B. Roe,

Director, Office of Fisheries Management,  
National Marine Fisheries Service.

[FR Doc. 87-7334 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-22-M

## 50 CFR Part 651

### Northeast Multispecies Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings and request for comments.

**SUMMARY:** The New England Fishery Management Council will hold a series of public hearings and provide a comment period to solicit public input into the development of an amendment to the Northeast Multispecies Fishery Management Plan. Individuals and organizations may comment in writing to the Council if they are unable to attend the hearings.

**DATE:** The public comment period will close April 24, 1987. See

"**SUPPLEMENTARY INFORMATION**" for dates, and locations of the hearings. All hearings will begin at 7:00 p.m.

**ADDRESS:** Written comments should be addressed to Chairman, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01906.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Marshall, Executive Director, New England Fishery Management Council, 617-231-0422.

**SUPPLEMENTARY INFORMATION:** The New England Fishery Management Council proposes to amend the Northeast Multispecies Fishery Management Plan to include the following measures: (a) An expansion in the lower boundary of the George Bank regulated mesh area; (b) a requirement that no mesh smaller than that specified for the cod end be used in the rest of the net; (c) limits on the Exempted Fisheries Program to

minimize the bycatch of regulated species; (d) a provision excluding scallop dredge vessels from the Southern New England closed area 1; (e) a change in the position of haddock spawning closed area; and (f) an exemption for hook-and-line fishing for shawks during the Southern New England area closure.

The dates and locations of the public hearings are scheduled as follows:

April 13, 1987—Holiday Inn, High Street, Ellsworth, ME

April 14, 1987—Holiday Inn, 88 Spring Street, Portland, ME

April 14, 1987—Holiday Inn, Route 25, Exit 72, Riverhead, LI, NY

April 14, 1987—Dutch Inn, Great Island Road, Galilee, RI

April 15, 1987—Skipper's Inn, 110 Middle Street, Fairhaven, MA

April 15, 1987—Holiday Inn, One Newbury Street, Peabody, MA

April 16, 1987—Sheraton, Route 132 and Bearse Way, Hyannis, MA

April 16, 1987—Howard Johnson's, Interstate Circle, Portsmouth, NH

Dated: March 31, 1987.

Richard B. Roe,

Director, Office of Fisheries Management,  
National Marine Fisheries Service.

[FR Doc. 87-7392 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-22-M



## Notices

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

#### Committee on Governmental Processes and Committee on Adjudication; Public Meetings

##### Committee on Governmental Processes

Date: Friday, April 10, 1987.  
Time: 9:30 a.m.

Location: Covington and Burling, 1201 Pennsylvania Avenue NW., 11th floor, Washington, D.C.

Agenda: The Committee will meet for further consideration of possible recommendations on federal agency use of private attorneys. This subject is currently under study for the Administrative Conference by Professor Ronald Rotunda of the University of Illinois College of Law and by Professor William V. Luneburg of the University of Pittsburgh School of Law.

Contact: David M. Pritzker 202-254-7065.

##### Committee on Adjudication

Date: Thursday, April 23, 1987.  
Time: 9:30 a.m.

Location: Administrative Conference of the United States Library, 2120 L Street, N.W., Suite 500, Washington, D.C.

Agenda: The Committee will meet to discuss draft recommendations concerning federal statutory protection for private sector whistleblowers and public comments received on the draft recommendations. The draft recommendations are based on a report by ACUS consultant Eugene R. Fidell.

Contact: Deborah Ross 202-254-7065.

##### Public Participation

Attendance at the committee meetings is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any

member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meetings will be available on request to the contact persons. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037. These meetings are subject to the Federal Advisory Committee Act (Pub. L. 92-463).

Jeffrey S. Lubbers,  
*Research Director.*

April 1, 1987.

[FR Doc. 87-7573 Filed 4-2-87; 8:45 am]

BILLING CODE 6110-01-M

### DEPARTMENT OF AGRICULTURE

#### Office of the Secretary

#### Meat Import Limitations; Second Quarterly Estimate

Public Law 88-482, enacted August 22, 1964, as amended by Pub. L. 96-177 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62) which may be imported into the United States in any calendar year. Such limitations are to be imposed when the Secretary of Agriculture estimates that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated aggregate quantity of meat articles prescribed for calendar year 1987 by subsection 2(c) as adjusted under subsection 2(d) of the Act.

As published on January 5, 1987 (52 FR 311), the estimated aggregate quantity of meat articles prescribed by subsection 2(c), as adjusted by subsection 2(d) of the Act, for calendar year 1987 is 1,309 million pounds.

In accordance with the requirements of the Act, I have determined that the second quarterly estimate for 1987 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1987 is 1,405 million pounds.

Done at Washington, DC, this 31st of March, 1987.

Richard E. Lyng,  
*Secretary.*

[FR Doc. 87-7350 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-10-M

### Agricultural Marketing Service

#### Beef Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

**SUMMARY:** The Cattlemen's Beef Promotion and Research Board has approved the use of a certification stamp as an alternative method for a seller of cattle to certify to a buyer that the cattle being sold are not subject to the \$1-per-head assessment pursuant to the Beef Promotion and Research Act. The Board will make approved stamps available to eligible marketing persons upon request.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, (202) 447-2650.

#### SUPPLEMENTARY INFORMATION:

##### Background

Pursuant to the Beef Promotion and Research Act (7 U.S.C. 2901 *et seq.*), a Beef Promotion and Research Order (order) was published in the July 18, 1986, *Federal Register* (51 FR 26132). Regulations implementing the order were published in the October 1, 1986, issue of the *Federal Register* (51 FR 35194).

The order and the regulations provide that, beginning October 1, 1986, cattle sold in the United States are subject to an assessment of \$1 per head. The Act and the order provide for an exemption from the \$1-per-head assessment when a person certifies that their only share of the proceeds from a sale of cattle is a sales commission, handling fee, or other service fee. An exemption is also permitted if a person (1) certifies that they acquired ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; (2) establishes such cattle were resold not later than 10 days on which the person acquired ownership; and (3) certifies that the assessment levied upon the person from whom they purchased



the cattle, if an assessment was due, has been collected and remitted, or will be remitted in a timely fashion. An official form "Statement of Certification of Non-Producer Status" completed by the seller is used to document the required certification for each applicable transaction.

This notice is being published to inform the beef industry that the Cattlemen's Beef Promotion and Research Board has approved a certification stamp and authorized its use as an alternative means of certifying non-producer status for a particular transaction. This alternative method for certification has been developed in response to requests from numerous marketing persons who must complete a substantial number of Non-Producer Status forms each day in the regular conduct of their business. The new rubber certification stamp should reduce the paperwork burden to the industry by significantly reducing the number of Non-Producer Status forms which must be completed and by minimizing the time required for office personnel to log and file such forms.

Persons who use the stamp will only need to insert the number of cattle for which an exemption is being claimed, their signature, and the date. The stamp may be used only on a document, such as a seller's invoice or a bill of sale, containing the seller's name, the buyer's name, the number of cattle sold, and the date of sale. Also, each stamp may be used only by the person to whom it is issued. When used as directed, the stamp will provide essentially the same information as the current "Statement of Certification of Non-Producer Status" form. The penalty for making a false statement with the stamp will be the same as for making a false statement on the form.

Because of the costs of distributing the stamps and monitoring their use, they will be issued only to marketing persons who can certify that, during any 1 month of the 12-month period preceding the month in which the request for the stamp is submitted, they have resold cattle in at least 20 separate transactions in which the use of the "Certification of Non-Producer Status" form would have been authorized if the Beef Promotion and Research Order and rules and regulations had been in effect during that 12-month period. The stamp will be issued upon written request and without charge to all marketing persons who meet this criterion and who agree to the prescribed conditions necessary for appropriate control of the stamp's use.

Interested persons may request an application form from the Qualified

State Beef Council in the State where they reside; or if there is no Qualified State Beef Council in that State, from the Cattlemen's Beef Promotion and Research Board, P.O. Box 81117, Chicago, Illinois 60681-0117. Addresses for the Qualified State Beef Councils were published in the October 16, 1986, *Federal Register* (51 FR 36832).

Done at Washington, DC, on March 27, 1987.

J. Patrick Boyle,  
Administrator.

[FR Doc. 87-7432 Filed 4-2-87; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Compliance by the District of Columbia With the Interstate Fisheries Management Plan for the Striped Bass

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce and U.S. Fish and Wildlife Service (FWS), Interior.

**ACTION:** Notice of determination that the District of Columbia is in compliance with the Interstate Fisheries Management Plan for the Striped Bass.

**SUMMARY:** The Department of Commerce and the Interior announced on February 6, 1987, that they had reached a joint determination in response to the notification by the Atlantic States Marine Fisheries Commission of its determination that the District of Columbia had not adopted and was not enforcing all regulatory measures necessary to fully implement the Commission's Interstate Fisheries Management Plan for the Striped Bass. In accordance with the Atlantic Striped Bass Conservation Act, the Departments determined that the District of Columbia was not in compliance with the Plan. The District was given until April 1, 1987, to promulgate the regulations enclosed in its January 23, 1987, letter to the Departments of the Interior and Commerce. If at that time the regulations were not in place and being enforced, a moratorium would have been jointly imposed by the Departments on fishing for striped bass within District waters, effective April 1, 1987. The regulations became effective on March 27, 1987, and enforcement is being provided through the Metropolitan Police Department of the District of

Columbia. The District is now in full compliance with the Plan and a moratorium will not be imposed.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Roe, (202) 673-5263 or Gary Edwards, (202) 343-6394.

**ADDRESSES:** Richard B. Roe, NOAA/NMFS, 1825 Connecticut Avenue, NW., Washington, DC 20235 or Gary Edwards, FWS, 18th and E Streets, NW., Washington DC 20240.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Atlantic Striped Bass Conservation Act (the Act) (16 U.S.C. 1851 Note), as amended by Pub. L. No. 99-423 specifies that after notification by the Atlantic States Marine Fisheries Commission (the Commission) that a coastal state has not adopted and/or is not enforcing regulatory measures to fully implement its Interstate Fisheries Management Plan for the Striped Bass (the Plan), the Secretaries of the Departments of Commerce and the Interior shall determine jointly, within 30 days, whether that coastal state is in compliance. (For purposes of the Act, the District is defined as a coastal state.) If the state is found not to be in compliance, the Secretaries shall declare jointly, i.e., impose, jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal state.

On January 7, 1987, the Secretaries received a letter from the Commission dated December 31, 1986, reporting that the District had not adopted fishery regulations for striped bass to implement Objective 1 of Amendment 3 to the Plan. While commercial fishing is prohibited in the District, there were no regulations on recreational fishing. In addition, the District lacked adequate enforcement capability. Notice of receipt of this notification from the Commission was published in the *Federal Register* at 52 FR 1518, January 14, 1987.

The Secretaries jointly determined on February 6, 1987, that the District of Columbia was not in compliance with the Plan. Notice of this determination was published in the *Federal Register* at 52 FR 4515, February 12, 1987. Although it was determined that the District was not in compliance with the Plan, it was recognized that the efforts were being made to implement regulations and obtain enforcement capability through the District's Metropolitan Police Department's Harbor Branch. In recognition of these efforts, the Departments of Commerce and the Interior delayed the imposition of a moratorium until April 1, 1987.



### Actions by the District of Columbia

The District has, effective March 27, 1987, regulations on recreational fishing. The District striped bass regulations are as follows: a 24 inch total length minimum size limit, a two fish daily bag limit, a closed season from December 1 to May 31, and only recreational fishing is permitted. These regulations are similar to those for the Potomac River Fisheries Commission, which were accepted by the Commission as being in compliance with the Plan. However, as commercial fishing is allowed by the Potomac River Fisheries Commission but is prohibited in the District, the District's regulations are more restrictive.

The District's Department of Consumer and Regulatory Affairs has entered into an agreement with the Metropolitan Police Department to provide for enforcement of fishery management regulations in District waters. This will include providing special enforcement emphasizing striped bass regulations and providing coordination with and reports to the Commission's Law Enforcement Committee.

### Secretarial Determination of Compliance

The Secretaries have jointly determined that the regulations in place in the District of Columbia meet the provisions of the Plan and that enforcement capability meets the requirements of the Act for satisfactory enforcement of the provisions of the Plan. This determination has been made after receiving notification from the Commission in a letter dated March 26, 1987, that the regulations meet the provisions of the Plan and that enforcement capability was satisfactory. Thus, a moratorium will not be imposed on striped bass fishing in the District.

Dated: March 31, 1987.

William E. Evans,

*Assistant Administrator for Fisheries,  
National Oceanic and Atmospheric  
Administration.*

Frank Dunkle,

*Director, Fish and Wildlife Service.*

[FR Doc. 87-7435 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-22-M

### Compliance by the State of New Jersey With the Interstate Fisheries Management Plan for the Striped Bass

**AGENCIES:** National Marine Fisheries Service (NMFS), NOAA, Commerce and U.S. Fish and Wildlife Service (FWS), Interior.

**ACTION:** Notice of determination that the State of New Jersey is in compliance

with the Interstate Fisheries Management Plan for the Striped Bass.

**SUMMARY:** The Departments of Commerce and the Interior announced on February 6, 1987, that they had reached a joint determination in response to the notification by the Atlantic States Marine Fisheries Commission of its determination that the State of New Jersey had not adopted all regulatory measures necessary to fully implement the Commission's Interstate Fisheries Management Plan for the Striped Bass. In accordance with the Atlantic Striped Bass Conservation Act, the Departments determined that New Jersey was not in compliance with the Plan. New Jersey was given until April 1, 1987, to enact legislation that is determined to be in compliance with the Plan. If at that time, legislation had not been enacted, a moratorium would be jointly imposed by the Departments on fishing for striped bass in New Jersey waters, effective April 1, 1987. Effective March 24, 1987, New Jersey amended their striped bass legislation. The amended legislation has been determined to be in compliance with the Plan and a moratorium will not be imposed.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Roe, (202) 673-5263 or Gary Edwards, (202) 343-6394.

**ADDRESS:** Richard B. Roe, NOAA/NMFS, 1825 Connecticut Avenue, NW., Washington, DC 20235 or Gary Edwards, FWS, 18th and E Streets, NW., Washington, DC 20240.

### SUPPLEMENTARY INFORMATION:

#### Background

The Atlantic Striped Bass Conservation Act (the Act) (16 U.S.C. 1851 Note), as amended by Pub. L. No. 99-432 specifies that after notification by the Atlantic States Marine Fisheries Commission (the Commission) that a coastal state has not adopted or is not enforcing regulatory measures to fully implement its Interstate Fisheries Management Plan for the Striped Bass (the Plan), the Secretaries of the Department of Commerce and the Interior shall determine jointly, within 30 days, whether that coastal state is in compliance. If the state is found not to be in compliance, the Secretaries shall jointly declare, i.e., impose, a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal state.

On January 7, 1987, the Secretaries received a letter from the Commission dated December 31, 1986, reporting that New Jersey had not adopted fishery regulations for striped bass to

implement Objective 1 of Amendment 3 to the Plan. Notice of receipt of this notification from the Commission was published in the **Federal Register** at 52 FR 1518, January 14, 1987.

The Secretaries jointly determined on February 6, 1987, that the State of New Jersey was not in compliance with the Plan. Notice of this determination was published in the **Federal Register** at 52 FR 4516 February 12, 1987. The determination was made based on New Jersey's 24-inch minimum size restriction for striped bass (other than inland, for which there is a 33-inch restriction), while Amendment #3 requires a 31-inch restriction on February 1, 1987, and a 33-inch restriction on August 1, 1987, and because New Jersey had no other management measures to compensate for this difference and no data to demonstrate that a 24-inch restriction will meet the objective of Amendment #3.

Although it was determined that the State of New Jersey was not in compliance with the Plan, it was recognized that efforts were being made to amend State statutes regulating striped bass fishing. In recognition of these efforts, the Departments of the Interior and Commerce delayed the imposition of a moratorium until April 1, 1987.

### Action by the State of New Jersey

New Jersey has, effective March 24, 1987, amended legislation on striped bass fishing. The new restrictions are as follows: a 31-inch total length minimum size limit until July 31, 1987; a 33-inch minimum size limit from August 1, 1987, to September 30, 1988, a five fish possession limit, no closed season and only recreational fishing is permitted.

### Secretarial Determination of Compliance

The Secretaries have jointly determined that the legislation in place in New Jersey meets the provisions of the Plan. This determination has been made after receiving notification from the Commission in a letter dated March 26, 1987, that the legislation meets the provisions of the Plan. Thus, a moratorium will not be imposed on striped bass fishing in New Jersey.

Dated: March 31, 1987.

William E. Evans,

*Assistant Administrator for Fisheries,  
National Oceanic and Atmospheric  
Administration.*

Frank Dunkle,

*Director, Fish and Wildlife Service.*

[FR Doc. 87-7436 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-22-M



**DEPARTMENT OF COMMERCE****International Trade Administration**

[Application No. 86-000-10]

**Export Trade Certificate of Review****ACTION:** Notice of issuance of an export trade certificate of review.**SUMMARY:** The Department of Commerce has issued an export trade certificate of review to Safety Equipment Export Trading Company. This notice summarizes the conduct for which certification has been granted.**FOR FURTHER INFORMATION CONTACT:** George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the *Federal Register*. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Certified Conduct:****Export Trade****Products**

Clean room apparel, emergency eyewash and shower equipment, eye and face protection, fall protection, head protection, hearing protection, first aid equipment, machinery guards, respiratory protection, safety and health instruments, safety wearing apparel, safety cans, and warning devices.

**Export Trade Facilitation Services (as They Relate to the Export of Products)**

Consulting, international market research, advertising, marketing, sales of goods and services, insurance, product research and design, legal assistance, transportation, trade documentation and freight forwarding, communication and processing of foreign orders, warehousing, foreign exchange, financing, and taking title to goods.

**Export Markets**

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) and Canada.

**Members (in Addition to Applicant)**

American Allsafe Company; H.L. Bouton Company; Durafab Disposables, Inc.; HSC Corporation; and Tasco Corporation.

**Export Trade Activities and Methods of Operation**

SEETC may:

1. Enter into agreements with its Member suppliers to act as an Export Intermediary. All Products purchased by SEETC from its Member and non-Member suppliers will be for resale by SEETC in the Export Markets. These agreements may include any of the following provisions:

a. Each Member independently will provide SEETC with an estimate of what quantities of Products it will make available for export through SEETC.

b. SEETC will agree to purchase Products from its Member suppliers, and, when necessary to complete product line requests, from non-Member suppliers.

c. SEETC will market and sell the Products, either directly or through Export Intermediaries other than SEETC, to such purchasers, at such prices, and on such terms as SEETC shall determine.

2. Determine the price of Products which SEETC will pay to Member suppliers.

3. Enter into exclusive or nonexclusive agreements with other Export Intermediaries for the sale of Products in the Export Markets.

4. Participate in meetings with one or more Member suppliers to deliver and discuss, or otherwise exchange, information with Member suppliers regarding:

a. The prices that SEETC has charged or will charge in the Export Markets for each Member supplier's Products;

b. The quality and quantity of Products available from Member suppliers for export;

c. Deliver dates, terms of sale, and other information necessary to arrange and complete export sales of the Products;

d. General economic or business conditions in the Export Markets, including supply and demand

conditions, prices and terms of sale in the Export Markets, and transportation and other costs incurred in exporting to the Export Markets;

e. SEETC's sales results in the Export Markets, including orders shipped, costs of doing business, and other information relating to SEETC's business in the Export Markets;

f. Quantities and prices of Products purchased from each Member supplier for export, and the terms and conditions under which such purchases were made;

g. Matters concerning SEETC's organization, governance, financial condition, and membership;

h. Market strategies for the Export Markets, and other issues relating to sales and Export Trade Facilitation Services in the Export Markets and SEETC's export business; and

i. Information about U.S. and foreign legislation and regulations, including Federal programs affecting sales and Export Markets.

5. Enter into agreements with customers wherein SEETC may agree in each case to sell Products in the Export Markets only to such customers, and/or such customers may agree not to purchase the Products from any competitor of SEETC.

6. Prescribe the following conditions of membership to and termination from SEETC:

a. SEETC shall have the right to admit additional manufacturers of safety equipment from time to time who:

(1) Receive a majority vote of SEETC's Board of Directors;

(2) Make such capital contribution in the purchase of common shares of stock as is determined in good faith by SEETC's Board of Directors. A fee shall be charged to cover initial start-up costs, including attorneys' fees incurred by SEETC's Members; and

(3) Agree not to compete with SEETC during the period of membership in SEETC and for two years thereafter, in the export of Products to particular Export Markets, except as shall be specifically agreed upon in writing between the new Member and SEETC.

b. Each Member shall have the right to withdraw its membership from SEETC by giving 180 days' prior written notice to the remaining Members. The remaining Members shall then have the option to terminate SEETC or pay the withdrawing Member the value of its stock, as adjusted, on the date of its withdrawal.

c. The withdrawing or removed Member shall remain responsible for commitments made by such Member and by SEETC on behalf of such Member prior to the effective date of



such Member's withdrawal. The withdrawing or removed Member shall reimburse SEETC for all costs, including attorneys' fees, incurred as a result of withdrawal or removal.

d. Any Member of SEETC may be removed by a majority vote of the Board of Directors with prior notice of the vote given to the Member. Removal shall be for due cause, including, but not limited to, violation of SEETC's Bylaws or agreements entered into by and between Members, and loss of credit-worthiness.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 27, 1987.

David Barton,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 87-7413 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DR-M

#### Semiconductor Technical Advisory Committee; Closed Meeting

**SUMMARY:** The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on January 10, 1986 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

**TIME AND PLACE:** April 22, 1987 at 9:30 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, DC.

**AGENDA:** The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

**SUPPLEMENTARY INFORMATION:** A notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on January 10, 1986, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information call Ruth D. Fitts at 202-377-2583.

Dated: March 31, 1987.

Margaret a. Cornejo,

Director, Technical Support Staff Office of Technology and Policy Analysis.

#### Semiconductor Technical Advisory Committee; Closed Meeting—Agenda

April 22, 1987.

Room 6802.

1. Align/Expose Equipment
2. ATE
3. Linear Microcircuits
4. Discrete Devices

[FR Doc. 87-7415 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DT-M

[A-247-003]

#### Portland Cement, Other Than White, Nonstaining Portland Cement, From the Dominican Republic; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** In response to requests by four importers, the Department of Commerce has conducted an administrative review of the antidumping finding on Portland cement, other than white, nonstaining Portland cement, from the Dominican Republic. The review covers three manufacturers and/or exporters of this merchandise to the United States and the period June 1, 1983 through April 30, 1985. The review indicates the existence of dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** April 3, 1987.

**FOR FURTHER INFORMATION CONTACT:** Edward Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5289/5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 29, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 22367) the final results of its last administrative review of the antidumping finding on Portland cement,

other than white, nonstaining Portland cement, from the Dominican Republic (28 FR 4507, May 4, 1963). We began this review of the finding under our old regulations. On September 20, 1985 and October 11, 1985, after the promulgation of our new regulations, four importers requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation on July 9, 1986 (51 FR 24884). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

#### Scope of the Review

Imports covered by the review are shipments of Portland cement, other than white, nonstaining Portland cement, currently classifiable under items 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated.

The review covers three exporters of Dominican Republic Portland cement, other than white, nonstaining Portland cement, to the United States and the period June 1, 1983 through April 30, 1985. All three firms failed to submit an adequate response to our antidumping questionnaire. For these firms we used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is the previous rate for exports from those firms.

#### Preliminary Results of Review

As a result of our review, we preliminarily determine that a margin of 10.33 percent exists for the following firms during the period June 1, 1983 through April 30, 1985:

#### Manufacturer/Exporter

Cementos Nacionales, S.A.,  
Commercialization del Caribe, S.A.,  
Fabrica Dominicana de Cemento, C. por A.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 5 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.



The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated dumping duties based on the above margin shall be required for these firms. For any future entries of this merchandise from a new exporter, whose first shipments occurred after April 30, 1985 and who is unrelated to any reviewed firm, the Department shall require a cash deposit of 10.33 percent. These deposit requirements are effective for all shipments of Dominican Republic Portland cement, other than white, nonstaining Portland cement, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Gilbert B. Kaplan,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 87-7411 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-061]

**Precipitated Barium Carbonate From the Federal Republic of Germany, Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination to Revoke in Part**

**AGENCY:** International Trade Administrative, Import Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination to Revoke in Part.

**SUMMARY:** In response to a request by Kali-Chemie AG, the Department of Commerce has conducted an administrative review of the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany. The review covers one manufacturer/exporter of this merchandise to the United States and the period July 1, 1983 through June 30, 1985. The review indicates the existence of no dumping margins for the firm during the period.

As a result of the review, the Department has preliminarily

determined to revoke the finding with respect to Kali-Chemie AG.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

**EFFECTIVE DATE:** April 3, 1987.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Bruno or Robert J. Marenick, Office and Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 25, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 16330) the final results of its last administrative review of the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany (46 FR 32884 June 25, 1981). We began the current review of the order under our old regulations. After the promulgation of our new regulations, Kali-Chemie AG requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published notices of initiation of the antidumping duty administrative review on February 12, 1986 (51 FR 5219) and October 3, 1986 (51 FR 35384). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

**Scope of the Review**

Imports covered by the review are shipments of precipitated barium carbonate, a chemical compound ( $\text{BaCO}_3$ ), currently classifiable under item 472.0600 of the Tariff Schedules of the United States Annotated.

The review covers one manufacturer/exporter of West German precipitated barium carbonate to the United States, Kali-Chemie AG, and the period from July 1, 1983 through June 30, 1985.

**United States Price**

In calculating United States price, the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act, as appropriate. Purchase price and exporter's sales price were based on the delivered, packed price to unrelated purchasers in the United States. Where applicable, we made deductions for foreign inland freight, marine insurance, U.S. duty, forwarding fees, U.S. clearance and brokerage charges, bulk loading, and the U.S. subsidiary's selling and warehousing expenses. No other adjustments were claimed or allowed.

**Foreign Market Value**

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on either the delivered or ex-factory, packed price with adjustments, where applicable, for inland freight, cash discounts, and differences in packing costs. We denied claimed adjustments for rebates, credit expenses, technical assistance, and certain "other charges" because they were not properly quantified. No other adjustments were claimed or allowed.

**Preliminary Results of the Review and Tentative Determination to Revoke in Part**

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no dumping margins exist for Kali-Chemie AG for the period July 1, 1983 through June 30, 1985.

Interested parties may submit written comments on these preliminary results within 21 days of the date of publication of this notice and may request disclosure and/or a hearing within 5 days of the date of publication. Any hearing, if requested, will be held 21 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Kali-Chemie AG requested partial revocation of the order and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement in the order under circumstances specified in the written agreement. Kali-Chemie AG has had no margins for four years.

Therefore, we tentatively determine to revoke the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany with respect to Kali-Chemie AG. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Kali-Chemie AG, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Further, as provided for by section 751(a)(1) of the Commerce Regulations,



since there was no margin, the Department shall not require a cash deposit of estimated antidumping duties for Kali-Chemie AG. For any shipments from the one remaining known manufacturer/exporter not covered by this review, the cash deposit will continue to be the rate published in the final results of the last administrative review for that firm (50 FR 16330, April 25, 1985). For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after June 30, 1985 and who is unrelated to the reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a, 353.54).

Dated: March 30, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-7412 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-489-603]

**Extension of the Deadline Date for the Final Countervailing Duty Determination and Rescheduling of the Public Hearing; Acetylsalicylic Acid (Aspirin) From Turkey**

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** Based upon the request of petitioner, the Monsanto Company, we are extending the deadline date for the final determination in the countervailing duty investigation of acetylsalicylic acid from Turkey to correspond to the date of the final determination in the antidumping investigation of the same product pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573). In accordance with Article 5§3 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), the

Department will terminate the suspension of liquidation in the countervailing duty investigation 120 days after the date of publication of the preliminary determination in this case. In addition, we are rescheduling the public hearing.

**EFFECTIVE DATE:** April 3, 1987.

**FOR FURTHER INFORMATION CONTACT:** Roy Malmrose or Thomas Bombelles, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202/377-2815 (Malmrose) or 202/377-3174 (Bombelles).

**SUPPLEMENTARY INFORMATION:** On October 31, 1986, we received antidumping and countervailing duty petitions filed by the Monsanto Company against acetylsalicylic acid from Turkey.

In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the antidumping petition alleged that imports of acetylsalicylic acid from Turkey are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate an antidumping duty investigation, and on November 20, 1986, we initiated such an investigation (51 FR 43062, November 28, 1986). The preliminary determination in this antidumping investigation will be made on or before April 9, 1987.

In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Turkey of acetylsalicylic acid directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate a countervailing duty investigation, and on November 20, 1986, we initiated such an investigation (51 FR 43062, November 28, 1986). On February 24, 1987, we issued a preliminary affirmative determination in the countervailing duty investigation (52 FR 6367, March 3, 1987).

On March 10, 1987, petitioner filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to

correspond with the date of the final determination in the antidumping duty investigation.

Section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated simultaneously with an [antidumping] investigation . . . which involves imports of the same class or kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend the date of the final determination [in the countervailing duty investigation] to the date of the final determination" in the antidumping investigation (19 U.S.C. 1671d(a)(1)). Pursuant to this provision, we are granting an extension of the deadline date for the final determination in the countervailing duty investigation of acetylsalicylic acid from Turkey to June 23, 1987, the current deadline for the final determination in the antidumping investigation.

Article 5§3 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code) provides that provisional measures (*i.e.*, suspension of liquidation) may not be imposed on another signatory to the Subsidies Code for a period longer than four months. To comply with the requirement of Article 5§3 of the Subsidies Code, the Department will direct the U.S. Customs Service to terminate the suspension of liquidation in the countervailing duty investigation on July 1, 1987, which is 120 days from the date of publication of the countervailing duty preliminary determination. No cash deposits or bonds for potential countervailing duties will be required for any such merchandise entered, or withdrawn from warehouse, for consumption, after July 1, 1987. The suspension of liquidation will not be resumed unless and until the Department publishes a countervailing duty order in this case. The Department will also direct the U.S. Customs Service to hold any entries suspended prior to July 1, 1987, until the conclusion of this investigation.

In addition, due to the extension of the final determination in the countervailing duty investigation, we are rescheduling the date of the public hearing, originally set for April 13, 1987. The hearing will now be held at 1:30 p.m. on May 15, 1987, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who have requested to participate in the



hearing must submit at least ten copies of the prehearing briefs to the Deputy Assistant Secretary by May 8, 1987.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, all written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within 10 days after the hearing transcripts are available.

This notice is published pursuant to section 705(d) of the Act.

Gilbert B. Kaplan,

*Deputy Assistant Secretary for Import Administration.*

March 27, 1987.

[FR Doc. 87-7414 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DS-M

## National Technical Information Service

### Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

*Patent Licensing Specialist, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.*

### Department of Agriculture

SN 6-734,527 (4,630,658)

Counter Rotating Double Disc Chunker

SN 6-764,040 (4,630,481)

Method and Instrument to Estimate the Weights of Green Trees and Logs

SN 6-785,639 (4,632,829)

Sex Pheromone Composition for Southwestern Corn Borer

SN 6-794,028 (4,637,643)

Auto Release Logging Choker

SN 6-922,616

Yeast Strains Genetically Engineered to Produce Wheat Gluten Proteins

### Department of Commerce

SN 6-801,972 (4,638,257)

Amplification by a Phase Locked Array of Josephson Junctions

SN 6-897,227

Polymer-Reactive Photosensitive Anthracenes

SN 6-936,305

Purification of Fish Oils

### Department of Health and Human Services

SN 6-547,235 (4,632,909)

Monoclonal Antibodies Which Block Infectivity of Malarial Parasites to Mosquitoes

SN 6-791,120 (4,632,922)

Oxomorpholinyl Dimer and Rescue of Anthracycline and Mitomycin C Damage

SN 6-796,782

Method for Obtaining a Ratio Measurement for Correcting Common Path Variation in Intensity in Fiber Optic Sensors

SN 6-896,262

New Chemotherapeutic Mustard Analogs

SN 6-911,227

Recombinant Pseudomonas Exotoxin: Construction of an Active Immunotoxin With Low Side Effects

SN 6-932,084

Method for Detecting Antibodies Against Neuropeptides and Drugs in Human Body Fluid

SN 6-938,716

Monoclonal Antibody Against Human Pneumocystis Carinii

SN 6-940,273

Biological Activity of Pyrimidin -2-Ones

SN 7-000,229

Adenosine Receptor Prodrugs

### Department of Interior

SN 6-855,276

Production of Titanium Nitride, Carbide and Carbonitride Powders

### Department of the Air Force

SN 6-582,496 (4,618,231)

Accommodative Amplitude and Speed Measuring Instrument

SN 6-591,715 (4,618,931)

Gas Generator Fuel Flow Throttle Control System

SN 6-614,904 (4,617,633)

Direct Lift Command Blending

SN 6-622,613 (4,616,565)

Modular Detonator Device

SN 6-623,667 (4,623,258)

Method for Measuring Haze in Transparencies

SN 6-624,846 (4,625,209)

Clutter Generator For Use in Radar Evaluation

SN 6-636,454 (4,619,199)

Safing and Arming Mechanism

SN 6-645,390 (4,619,506)

Random Pattern Tracking Acceleration Tolerance Tester

SN 6-649,565 (4,615,272)

Bomb and Bomb Liner

SN 6-657,099 (4,622,556)

Technique for Rapid Determination of Probability of Detection In Pulse Doppler Radars

SN 6-661,549 (4,625,316)

High Efficiency Electron Beam Gun Foil Support

SN 6-666,784 (4,622,557)

Transdigitizer for Relaying Signals From Global Positioning System (GPS) Satellites

SN 6-671,393 (4,616,230)

Conformal Phased Array Antenna Pattern Corrector

SN 6-679,327 (4,625,293)

Parallel Programmable Charge Domain Device

SN 6-679,332 (4,616,334)

Pipelined Programmable Charge Domain Device

SN 6-689,681 (4,618,217)

Electron-Bombarded Silicon Spatial Light Modulator

SN 6-689,699 (4,619,501)

Charge Isolation In A Spatial Light Modulator

SN 6-693,399 (4,615,811)

Vacuum Pump Oil Recovery Process

SN 6-693,926 (4,622,548)

Solid State Electronic G-Force Indicator

SN 6-693,927 (4,615,594)

Vision Test Chart and Method Using Gaussians

SN 6-698,728 (4,617,817)

Optimizing Hot Workability and Controlling Microstructures in Difficult to Process High Strength and High Temperature Materials

SN 6-700,368 (4,624,388)

Liquid Tank Weld Cavitation Protection

SN 6-704,109 (4,623,245)

System of White-Light Density Pseudocolor Encoding With Three Primary Colors

SN 6-713,666 (4,620,538)

Light-Weight Oxygen Delivery Hood Assembly For Hyperbaric Chamber

SN 6-751,400 (4,623,295)

One-Step Loading Adapter

SN 6-768,657 (4,623,600)

Low Shear Nickel Electrode

SN 6-798,042 (4,620,732)

Bolt Frame Construction

### Department of the Army

SN 6-289,013 (4,632,830)

Oral Vaccine for Immunization Against Enteric Disease

SN 6-561,774 (4,621,646)

Blood Flow Measuring Method

SN 6-780,751 (4,623,936)



- Error Processing Technique for Modified Read Code  
SN 6-865,709
- Oral Vaccine For Immunization Against Enteric Disease  
SN 6-875,048
- Monoclonal Antibodies to Cholesterol and Methods  
SN 6-877,077
- A Nucleic Acid Probe and Method for the Rapid Detection of Typhoid Fever Bacteria  
SN 6-882,562
- Pharmacological Active Amine-Carboxyboranes  
SN 6-888,194
- A Nucleic Acid Probe and Method for the Detection of *Shigella* and Enteroinvasive *E. Coli* Bacteria  
SN 6-920,626
- Method of Chemically Polishing Fused Quartz  
SN 6-928,492
- Modified Liquid Crystal Television as a Spatial Light Modulator  
SN 6-932,860
- Phase Scan Antenna Array  
SN 6-933,430
- Latch Connector  
SN 6-934,273
- Electromagnetic Railgun with a Non-Explosive Magnetic Flux Compression Generator  
SN 6-937,804
- Method of Making a Rotating Disk Electrode  
SN 6-943,095
- Broadband High Frequency Sky-Wave Antenna  
SN 6-943,229
- Dielectric Omni-Directional Antennas
- Tennessee Valley Authority**  
SN 6-326,981 (4,571,435)
- Preparation of Nitrogen Fertilizers from Oxalate Esters Prepared by the Oxidative Carbonylation of Alcohols Over Noble Metal Catalysts Utilizing Regenerable 2,5-Cyclohexadiene-1,4-Dione Oxidants.

[FR Doc. 87-7372 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-04-M

# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## Adjustment of Import Limits for Certain Cotton and Man Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

March 30, 1987.

The Chairman of the Committee for

the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 31, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on March 31, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota reopenings, please call (202) 377-3715.

### Background

On December 30, 1985 a notice was published in the **Federal Register** (50 FR 53182) which established import restraint limits for certain cotton, wool and man-made fiber textile products, including Category 648, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1986 and extended through December 31, 1986.

In addition, on December 30, 1986 a notice was published in the **Federal Register** (51 FR 47041) which established import restraint limits for certain cotton, wool and man-made fiber textile products, including Categories 359-V and 648, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

In accordance with the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, CITA is adjusting both limits for Category 648 for swing. The limit for Category 359-V is being reduced to 1,188,330 pounds to account for the swing in 1987.

Charges amounting to 54,357 dozen for merchandise in Category 648 exported in 1986 and charged to the current restraint limit will be deducted.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the previously established restraints for Categories 359-V and 648 and to deduct charges as designated.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14,

1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**Ronald I. Levin,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*  
March 30, 1987.

### Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives issued to you on December 24, 1985 and December 23, 1986 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month periods which began, in the case of Category 648, on January 1, 1986 and January 1, 1987, and, in the case of Category 359-V, on January 1, 1987.

Effective on March 31, 1987, the directives of December 24, 1985 and December 23, 1986 are further amended to include adjustments to the previously established restraint limits for cotton and man-made fiber textile products in the following categories, as provided under the terms of the bilateral agreement of August 19, 1983, as amended:<sup>1</sup>

Category	Adjusted 12-month restraint limit <sup>1</sup> (Jan. 1, 1986-Dec. 31, 1986)
648.....	1,141,502 dozen.

<sup>1</sup> The agreement provides, in part, that (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard decrease in one or more other specific limit in that agreement year; (2) the specific limits for certain categories may be increased for carryforward; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.



Category	Adjusted 12-month restraint limit <sup>2</sup> (Jan. 1, 1987-Dec. 31, 1987)
359-V <sup>3</sup> .....	1,188,330 pounds.
648 .....	1,187,163 dozen.

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1985.

<sup>2</sup> The limits have not been adjusted to account for any imports exported after December 31, 1986.

<sup>3</sup> In Category 359, only TSUSA numbers 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.0648, 384.0650, 384.0651, 384.3449, 384.3450, 384.4300, 384.4421 and 384.4422.

Also effective on March 31, 1987, you are directed to deduct charges for goods exported in 1986, amounting to 54,357 dozen, from the import restraint limit established for Category 648 for the period which began on January 1, 1987 and extends through December 31, 1987. This same amount is to be charged to the import restraint limit established for Category 648 for 1986.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-7353 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DR-M

#### **Correlation: Textile and Apparel Categories With the Tariff Schedules of the United States Annotated; Correction**

March 30, 1987.

On February 26, 1987 a notice was published in the **Federal Register** (52 FR 5812) announcing the availability of the 1987 edition of the *Correlation*. This notice is to advise the public that TSUSA number 384.4608 in Category 341 was inadvertently omitted from the 1987 edition of the *Correlation*.

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-7352 Filed 4-2-87; 8:45 am]

BILLING CODE 3510-DR-M

## **DEPARTMENT OF DEFENSE**

### **Department of the Army**

#### **Finding of No Significant Impact Light Helicopter Family (LHX)**

**AGENCY:** Department of the Army, DOD.

**ACTION:** Notice of Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:** Commander, U.S. Army Aviation Research and Development Command, ATTN: SAVAI-G (Mr. Larry Wright), 4300 Goodfellow Boulevard, St. Louis, MO 63120-1798, Telephone (314) 263-2114.

**SUMMARY:** The LHX rotorcraft will replace the Army's current fleet of light helicopters (UH-1, AH-1, OH-58, OH-6) which are rapidly becoming obsolete, difficult to support, non-survivable on the future battlefield, and not capable of conducting the Army's Air-Land Battle doctrine.

The design, testing, production, and fielding of a fleet of LHX rotorcraft will take place over the next two and a half decades. Detailed design of the LHX will begin in 1988. Component testing has already been initiated with test of a complete air vehicle to begin in approximately 1991. Fleet production is planned to begin in 1993 with fielding worldwide completed by 2013.

The anticipated environmental quality impacts of the proposed action are primarily on air quality and noise. The proposed action is not expected to impact water resources, land resources, flora, or fauna. It has been determined that the proposed action will not cause significant adverse impacts on the air quality or cause adverse noise levels. All anticipated environmental quality impacts of the proposed action are discussed in detail in the Environmental Assessment prepared for the Light Helicopter Family.

The Environmental Assessment indicates that this is a major Army action which will not cause significant adverse impact. Preparation of an Environmental Impact Statement is not required.

The Department of the Army will receive comments on this action for a thirty day period from the date this notice appears in the **Federal Register**. Comments should be directed to Mr.

Larry Wright at the address shown above.

Lewis D. Walker,

*Deputy Assistant Secretary Of The Army For Environment, Safety And Occupational Health.*

[FR Doc. 87-7371 Filed 4-2-87; 8:45 am]

BILLING CODE 3710-08-M

## **DEPARTMENT OF EDUCATION**

### **Intergovernmental Advisory Council on Education; Meeting**

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the Intergovernmental Advisory Council on Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE:** April 21, 1987.

**ADDRESS:** U.S. Department of Education, Room 3000, 400 Maryland Avenue, SW., Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jacqueline McGregor, Executive Director, Intergovernmental Advisory Council on Education, 413 Reporter's Building, 300 7th Street, SW., Washington, DC 20202.

**SUPPLEMENTARY INFORMATION:** The Intergovernmental Advisory Council on Education was established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and President concerning intergovernmental policies and relations pertaining to education.

On Tuesday, April 21, 1987 the Executive Committee of the Council will meet in open session, from 1:00 p.m. to 4:30 p.m.

The proposed agenda includes:

- Printing and dissemination of Council report on Job Training and Retraining
- Approval of the Parenting subcommittee proposal for a two-day conference
- Council staffing to complete agenda.

Records are kept of all Council proceedings, and are available for public inspection at the Intergovernmental Advisory Council on



Education, 413 Reporter's Building, 300 7th Street, SW., Washington, DC, from 9:00 a.m. to 5:00 p.m.

Dated: March 31, 1987.

Peter R. Greer,

Deputy Under Secretary for  
Intergovernmental and Interagency Affairs.  
[FR Doc. 87-7437 Filed 4-2-87; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### NUCLEAR REGULATORY COMMISSION

#### Nuclear Waste Policy Act of 1982: Spent Fuel Storage and Disposal; Compliance With Section 223

**AGENCIES:** Department of Energy and Nuclear Regulatory Commission.

**ACTION:** Update of the previously published notice of offer to cooperate with and provide technical assistance to nonnuclear weapon states in the field of spent nuclear fuel storage and disposal.

**SUMMARY:** The Department of Energy and the Nuclear Regulatory Commission, in accordance with section 223 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), January 7, 1983 (the Act), published in the *Federal Register* on March 30, 1983 (48 FR 13253, corrected on April 20, 1983 by notice 48 FR 16960) and updated and reissued in the *Federal Register* on April 6, 1984 (49 FR 13858), April 5, 1985 (50 FR 13738), and April 3, 1986 (51 FR 11463) an offer to cooperate with and provide technical assistance to nonnuclear weapon states in the field of spent nuclear fuel storage and disposal. This notice is the fourth update and again tenders this offer as provided by the Act. Available resources, scope, criteria, and modes of cooperation are described in this offer, which will be further updated and reissued next year.

#### Background

Section 223 of the Act provides that "it shall be the policy of the United States to cooperate with and provide technical assistance to nonnuclear weapon states in the field of spent fuel storage and disposal."

Section 223(b)(1) of the Act required that within 90 days of enactment of the Act the Department of Energy and the Nuclear Regulatory Commission would:

- Publish a joint notice in the *Federal Register* stating that the United States is prepared to cooperate with and provide technical assistance to nonnuclear weapon states in the fields of at-reactor spent fuel storage; away-from-reactor spent fuel storage; monitored retrievable spent fuel storage; geologic disposal of spent

fuel; and the health, safety, and environmental regulation of such activities. The notice shall summarize the resources that can be made available for international cooperation and assistance in these fields through existing programs of the Department and the Commission including the availability of: (i) Data from past or ongoing research and development projects; (ii) consultations with expert Department or Commission personnel or contractors; and (iii) liaison with private business entities and organizations working in these fields.

It is the intention of the Department of Energy and the Nuclear Regulatory Commission to offer to provide cooperation and technical assistance to other nations to improve spent fuel storage conditions as deemed necessary. It is not the intention of this offer to include transfer to the United States of spent fuel from foreign nuclear power reactors.

Section 223(c) of the Act specifies:

- Following publication of the annual joint notice referred to in paragraph (2), the Secretary of State shall inform the governments of nonnuclear weapon states and, as feasible, the organizations operating nuclear power plants in such states that the United States is prepared to cooperate with and provide technical assistance to nonnuclear weapon states in the fields of spent fuel storage and disposal, as set forth in the joint notice. The Secretary of State shall also solicit expressions of interest from nonnuclear weapon states governments and nonnuclear weapon states nuclear power reactor operators concerning their participation in expanded United States cooperation and technical assistance programs in these fields. The Secretary of State shall transmit any such expressions of interest to the Department and the Commission.

#### Response to the Offers

This notice was first published in the *Federal Register* on March 30, 1983 and was updated and reissued in the *Federal Register* on April 6, 1984, April 5, 1985, and April 3, 1986. (To date, eleven countries have responded to this offer.)

#### Discussion and Description of Proposed Cooperative Activities and Programs

For several years the United States has been cooperating with other nations as well as international organizations in areas related to spent fuel handling, storage, and geologic disposal. The Department of Energy and the Nuclear

Regulatory Commission have adhered to policies of sharing the results of their studies and programs in these areas with other nations and they have sought to establish a framework to permit U.S. private organizations working in these fields to cooperate with their counterparts in the other nations. To the extent feasible, it is the intention of the Department of Energy and the Nuclear Regulatory Commission to augment their international cooperative ties in these areas. Any arrangements relative to funding of joint research and development projects will be developed on a case by case basis subject to program demands and the authorization and appropriation of funds by Congress.

In the course of developing the proposed new arrangements with other governments of foreign institutions, both the Department of Energy and the Nuclear Regulatory Commission will be guided by a number of factors and criteria, including the following:

- Whether the proposed program of cooperation will be useful in assisting a nonnuclear weapon state in overcoming significant and timely spent fuel storage or handling problems;
- Whether the arrangements will serve to advance knowledge in the field;
- Whether the arrangements will help solve common spent fuel handling problems; and
- Whether the arrangements will contribute to more predictability in fuel cycle operations.

While it is anticipated that in the near future most nations will be able to solve their spent fuel storage problems on a national basis, this is an area that could benefit from enhanced international cooperation. As noted by the Final Report of the International Atomic Energy Agency's Expert Group on International Spent Fuel Management (IAEA-ISFM/EG/26, Rev. 1, page 4, July 1982), prior to 1990 there is reasonably good assurance that adequate provision for dealing with spent fuel will exist. During the 1990's, however, the Report states that greater reliance must be placed on spent fuel management options which are now mainly in the planning stage, and further states that "By the year 2000 additional capacity remains to be identified and eventually provided. As greater reliance is placed upon planned facilities, some international cooperation could provide greater assurances that adequate means to deal with the spent fuel arising would be provided."

Some new storage technologies now under development hold promise for



achieving further economies in storage arrangements. Also, there are incentives for developing common standards and guidelines between nations relating to the conditions for shipping spent fuel. Nations can benefit from comparing information on the applicable regulatory practices and, in some cases, it may be productive for nations sharing common spent fuel storage problems to explore new institutional mechanisms designed to facilitate joint action.

The following paragraphs in this notice briefly summarize the nature of the activities of the Department of Energy and the Nuclear Regulatory Commission in these areas as well as the cooperative activities that these agencies would propose to explore or engage in, as circumstances warrant.

#### The U.S. Department of Energy

The Department of Energy is now working with U.S. industry and utilities to assure that sufficient spent fuel storage capacity will be available for meeting U.S. domestic needs. U.S. utilities operating power reactors are presently storing spent fuel in water-filled pools at their reactor sites. In the next few years, additional capacity will be needed at some sites and the gravity of this problem could increase rapidly unless additional storage capacities are made available on a timely basis. Accordingly, the Department of Energy, industry, and utilities are now actively developing alternative methods for consolidating, transporting, and storing spent light water reactor fuel in order to increase at-reactor storage capacity.

The emphasis of this domestic program is to work jointly with industry for developing and licensing alternative storage technologies. Within this context, the Department of Energy is now in the process of working with industry and utilities in developing and demonstrating spent fuel rod consolidation and dry storage equipment and technology in support of utility license applications and is participating in efforts to assure the licensability of the entire system for handling, packaging, transportation, and storage. In addition, monitored retrievable storage facilities are being evaluated as integral components of the nuclear waste management system.

With these considerations in mind and considering the criteria cited above, the Department of Energy is prepared to engage in the following kinds of cooperative activities with nonnuclear weapon states and international organizations:

—To provide information, in the form of exchanges of documents and reports,

on Department of Energy funded research and development projects in the specific areas of spent fuel handling and storage; pool storage; spent fuel packaging for storage or disposal; dry storage in metal casks, drywells, vaults and concrete silos; and on the technology of away-from-reactor and monitored retrievable storage;

- To arrange, on an appropriate basis, visits and briefings between foreign representatives and Department of Energy and Contractor personnel in those areas and to facilitate, within the terms of applicable U.S. laws, regulations and policies, contacts with private U.S. business entities and organizations with specialized capabilities in these fields;
- To arrange consultations between foreign representatives and expert Department of Energy and contractor personnel to review and comment on, as appropriate, other nations' proposed development program plans and facility designs;
- To furnish, under mutually agreed terms, information on certain U.S. standards and verified computer codes that may be used for equipment, component and facility design; and
- To cooperate, as appropriate, with international organizations to disseminate information to nonnuclear weapon states.

As U.S. program demands and the authorization and appropriation of funds by Congress permit, the Department of Energy also is prepared to participate in jointly funded development and demonstration activities such as:

- The demonstration of concepts for disassembling spent fuel assemblies and for consolidating fuel rods in operating reactor pools;
- The development and demonstration of technology for packaging spent fuel for storage and disposal;
- Activities related to assessing the feasibility of away-from-reactor storage, including foreign participation in, or observation of, U.S. tests and demonstrations of equipment and technology for dry storage of spent fuels; and
- The conduct of joint studies to evaluate monitored retrievable spent fuel storage.

In addition to the management of spent fuel in retrievable modes, the Department of Energy also is conducting extensive research and development on the geologic disposal of nuclear waste, including the spent fuel option. Where there is mutual interest, information in these areas can be exchanged through:

- The transmittal of published information;
- Arrangement of visits and consultations with the Department of Energy and contractor experts on spent fuel disposal methodology;
- Program planning; and
- Systems analyses.

The research and development activities conducted under the Department of Energy geologic disposal program include:

- The detailed characterization of spent fuel as required for disposal;
- Research and systems studies on spent fuel disposal packages and containers, and their materials;
- Safety analyses; and
- Disposal repository designs, including their performance evaluations in various host rock media.

Under the cooperative activities that have been described above, the information to be provided could possibly include exchanges of documents and reports, visits between specialists, short- or long-term assignments, and the undertaking of joint seminars and meetings.

#### The Nuclear Regulatory Commission

In regard to the issue at hand, the Nuclear Regulatory Commission is responsible for safety and environmental reviews, licensing, inspection and enforcement, and the conduct of research on the safety and environmental reviews, licensing, inspection and enforcement, and the conduct of research on the safety and environmental regulation of reactor waste in the United States, including the handling, storage, treatment, and disposal of spent reactor fuel. These responsibilities include licensing dry and wet at-reactor and away-from-reactor storage, monitored retrievable storage, and spent fuel and waste disposal (including geological disposal) at permanent repositories.

The Nuclear Regulatory Commission is prepared to cooperate with, and provide technical assistance to, nonnuclear weapon states in the areas of the health, safety, and environmental regulation of spent fuel management and disposal activities. Cooperation could include the following:

- Making available data from past and ongoing research and regulatory efforts: These data consist of evaluated and documented experimental results, validated and fully documented computer codes, and research results for which documentation and evaluation are complete. These data are primarily



documented as written reports, which the Nuclear Regulatory Commission can provide in specific technical subject areas, as agreed. State-of-the-art information on ongoing safety research programs can be acquired through attendance by representatives from participating countries at the annual Water Reactor Safety Research Information Meeting and other occasional topical meetings. Additional data more directly related to regulatory activities, such as regulations, standards, and guides, can also be provided as appropriate in specific subject areas as requested;

- Consulting with expert Nuclear Regulatory Commission contractor staff. As arranged by specific agreement with the Nuclear Regulatory Commission, expert technical consultation can be provided by Nuclear Regulatory Commission personnel and, as needed, by contractor employees in the regulatory areas within the Commission's purview;
- Helping (to the extent permitted by U.S. laws, regulations, and policies) foreign governments to establish initial contacts with private U.S. entities that conduct business in the applicable waste management activities;
- Cooperating, as appropriate, with international organizations to disseminate information to nonnuclear weapon states; and
- Participating in joint research programs. The Nuclear Regulatory Commission is ready to negotiate and engage in jointly funded research programs, consistent with the Agency's mission, with appropriate foreign entities, subject to the authorization and appropriation of funds by the Congress.

#### **Relationships With Multinational Organizations and International Scientific Bodies**

In addition to the foregoing activities, and within the framework of such foreign policy guidance as may be provided by the U.S. Department of State, it is expected that the Nuclear Regulatory Commission and Department of Energy will continue to participate in activities related to spent fuel handling and disposal that are undertaken by international organizations, if appropriate. These organizations have sponsored a range of activities relevant to this subject, and it is recognized that some nonnuclear weapon states may wish to avail themselves of the services of these bodies as well as the cooperative programs that are available bilaterally. The Nuclear Energy Agency

of the Organization for Economic Cooperation and Development, for example, has been actively involved in studies related to the disposal of nuclear wastes. Also, as mentioned above, through the efforts of an Expert Group on International Spent Fuel Management, the International Atomic Energy Agency in 1982 completed a study on the potential for international cooperation in the management of spent fuel, giving emphasis to technical, economic, institutional, and legal considerations. Several of the recommendations of the International Atomic Energy Agency Expert Group could serve as a stimulus for further cooperative initiatives. Areas that may merit further study include the establishment of nuclear safety standards recommended by the International Atomic Energy Agency for spent fuel storage and transport, and possible further studies, as the interest of the international community dictate, such as multinational or regional approaches to spent fuel management and disposal.

#### **Storage and Disposition of Research Reactor Spent Fuels**

The cooperative programs described in this announcement are addressed to the problems associated with the storage and handling of power reactor spent fuel that originates primarily in light water reactors. As such, they do not address any issues associated with the accumulation of foreign research reactor fuels.

#### **Solicitation of Expressions of Interest From Nonnuclear Weapon States**

As the next step in developing this offer of cooperation and technical assistance, nonnuclear weapon states will again be contacted through diplomatic channels to acquaint them with this proposal and to solicit expressions of interest to the Department of Energy and the Nuclear Regulatory Commission.

#### **Requests for Information**

Inquiries about this notice may be sent to the following:

- Ben C. Rusche, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, Washington, DC 20585 (Tel. No. 202/586-6850)
- James R. Shea, Director, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (Tel. No. 301/492-7886)

Approval: March 27, 1987.

**Ben C. Rusche,**  
*Director, Office of Civilian Radioactive Waste Management, Department of Energy.*

Dated: March 17, 1987.

**Victor Stello, Jr.,**  
*Executive Director for Operations, Nuclear Regulatory Commission.*

[FR Doc. 87-7525 Filed 4-2-87; 8:45 am]

BILLING CODE 6450-01-M

## **DEPARTMENT OF ENERGY**

**Economic Regulatory Administration**  
[Docket No. ERA C&E-87-21; OFP Case No. 67058-9354-20-24]

### **Acceptance of Petition for Exemption and Availability of Certification by San Joaquin Cogen, Inc.**

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of acceptance.

**SUMMARY:** On February 17, 1987, San Joaquin Cogen, Inc. (San Joaquin or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a facility to be located near Lathrop, California from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.27.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as



other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

**DATES:** Written comments are due on or before May 18, 1987. A request for a public hearing must be made within this same 45-day period.

**ADDRESSES:** Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

Docket No. ERA C&E-87-21 should be printed on the outside of the envelope and the document contained therein.

**FOR FURTHER INFORMATION CONTACT:**

John Boyd, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 586-4523

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 586-6947

**SUPPLEMENTARY INFORMATION:** The proposed cogeneration facility will utilize one nominal 48 MW combustion natural gas fired turbine generator (GTG), and one unfired heat recovery boiler, and the necessary foundations, structures, auxiliary equipment, piping system, electrical system an control system for a complete stand alone steam and powerplant. The gross power output of the facility at design conditions will be 48.7 MW. Auxiliary required power will be 1.3 MW, with a net power output of 47.4 MW, which will be sold to the Pacific Gas and Electric Company (PG&E). Steam produced in the plant will be used for environmental purposes and in the glass making operations of the Libby Owens Ford Company (LOF). Construction is expected to commence in June 1987 and be completed in April 1988.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent

cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the **Federal Register** (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a cogeneration FUA permanent exemption, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on March 27, 1987.

**Robert L. Davies,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 87-7439 Filed 4-2-87; 8:45 am]

BILLING CODE 6450-01-M

## Energy Information Administration

### Agency Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, Department of Energy.

**ACTION:** Notice of requests submitted for clearance to the Office of Management and Budget.

**SUMMARY:** The Department of Energy (DOE) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information: (1) the sponsor of the collection (DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

**DATES:** Comments must be filed within 30 days of publication of this notice. Last notice published Thursday, February 26, 1987 (52 FR 5818).

**ADDRESSES:** Copies of the materials submitted to OMB may be obtained from Mr. Gross at the address below. Address comments to the Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503.



(Copies of your comments also should be addressed to Mr. Gross.)

**FOR FURTHER INFORMATION CONTACT:**

John Gross, Director, Data Collection Service Division (EI-73), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586-2308.

**SUPPLEMENTARY INFORMATION:** If you anticipate commenting on a collection, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB DOE desk officer of your intent as early as possible.

The energy information collections submitted to OMB for review were:

1. Energy Information Administration/Office of Energy Markets and End Use
2. EIA-457A-H
3. 1905-0092
4. Residential Energy Consumption Survey
5. Revision
6. Triennially
7. Mandatory
8. Individuals or households, State or local governments, Business or other for profit, Federal agencies or employees, and Small businesses or organizations
9. 3,060 respondents
10. 5,787 responses
11. 6,212 hours
12. EIA-467A-H collect comprehensive, national and regional data on the consumption of energy in the residential sector. Data are used for analysis and forecasting. Housing and demographic characteristics data are collected via personal interviews, consumption and expenditure billing data are collected from the energy suppliers. Rental agents are contacted by telephone to check on fuels used in rented apartments.

Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790(a)).

Issued in Washington, DC, March 30, 1987.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 87-7440 Filed 4-2-87; 8:45 am]

BILLING CODE 6450-01-M

**Federal Energy Regulatory Commission**

[Docket Nos. CP87-252-000 et al.]

**Natural Gas Certificate Filings; Texas Eastern Transmission Corp. et al.**

Take notice that the following filings have been made with the Commission:

**1. Texas Eastern Transmission Corporation**

March 6, 1987.

[Docket No. CP87-252-000]

Take notice that on March 13, 1987, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP87-252-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation by Applicant of compression facilities necessary for the continued delivery of natural gas by Applicant to Consolidated Gas Transmission Corporation (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate a skid-mounted turbine compressor of up to 4,000 HP and associated valving, instruments, and piping on its Line No. 1 at Milepost 967.61 in Monroe County, Ohio, at an estimated cost of \$4,105,000. Applicant states that the proposed compression facilities (known as the Switzerland Compressor Station) are required to provide for the delivery of natural gas by Applicant to Consolidated at a pressure of 750 psig.

Applicant states that it would initially finance the proposed facilities for funds on hand and permanent financing would be undertaken as part of Applicant's overall long-term financing program at a later date.

It is indicated that Applicant is authorized to deliver on a firm basis up to a total of 861,615 dt equivalent of natural gas per day to Consolidated pursuant to service agreements under Rate Schedules DCQ and ACQ dated December 22, 1975. It is further indicated that the principal point of delivery to Consolidated would be Applicant's M & R Station 004 in Monroe County, Ohio. Applicant states that its maximum daily delivery obligation at this point equals 40 percent of its total daily delivery obligation to Consolidated under Rate Schedule DCQ and 88 percent of its total daily delivery obligation to Consolidated under Rate Schedule ACQ. Applicant further states that the maximum daily delivery obligation at M & R Station 004 would be 259,523 dt equivalent of natural gas under Rate Schedule DCQ and 181,666 dt under Rate Schedule ACQ. It is indicated that the aggregate maximum daily delivery under all rate schedules for this station would be 259,523 dt equivalent of natural gas.

Applicant states that it has reduced

its operating pressure on its Line No. 1 and Line No. 2 due to safety considerations. Applicant further states that the operating pressure of Applicant's system at M & R Station 004 is currently 596 psig. As a consequence, Applicant indicates that it would be unable to make contract deliveries of natural gas to Consolidated at M & R Station 004 under the present pressure conditions. Applicant explains that Consolidated has advised Applicant that natural gas delivered to Consolidated at M & R Station 004 would be required to fill Consolidated's storage fields during the spring and summer as well as for winter usage.

Comment date: April 10, 1987, in accordance with Standard Paragraph F at the end of this notice.

**2. Blue Dolphin Pipe Line Company**

March 27, 1987.

[Docket No. CP87-254-000]

Take notice that on March 16, 1987, Blue Dolphin Pipe Line Company (Blue Dolphin), 2900 Citicorp Center, Houston, Texas 77002, filed in Docket No. CP87-254-000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations. Blue Dolphin seeks authorization to transport natural gas on behalf of Polo Energy Corporation (Polo) under Blue Dolphin's blanket transportation certificate issued in Docket No. CP87-31-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Blue Dolphin states that, pursuant to a transportation agreement dated January 5, 1987, Blue Dolphin proposes to transport natural gas on behalf of Polo on Blue Dolphin's system in offshore Texas in the Gulf of Mexico. Blue Dolphin states that peak day volumes under this agreement would not exceed 25,000 Mcf, annual volumes would not exceed 7,300,000 Mcf and the average daily volume would be 20,000 Mcf.

Blue Dolphin states that it is not aware of any relationship under which a local distribution company or affiliate of Polo would receive natural gas on behalf of Polo. Blue Dolphin also indicates that no facilities are required to be constructed to provide the proposed service for Polo. It is stated that service commenced January 15, 1987, pursuant to the automatic 120 day authorization permitted by § 284.223 of the Commission's Regulations.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.



### 3. Mississippi River Transmission Corporation

March 27, 1987.

[Docket No. CP87-240-000]

Take notice that on March 10, 1987, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP87-240-000 a request pursuant to §§ 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a delivery point under the authorization issued in Docket No. CP82-489-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request filed with the Commission and open to public inspection.

MRT proposes to add a delivery point to Illinois Power Company (IPC) at Carlyle, Illinois. It is said that under the certificate authority issued at Docket No. CP70-158, MRT is authorized to provide IPC up to 100,000 Mcf per day under its CD-1 Rate Schedule. MRT states that although up to 35,000 MCF per day could be delivered at the new delivery point, it would not increase the maximum daily volumes MRT is authorized to provide IPC pursuant to the current service agreement and the current certificate authority. MRT also states that the cost of the facilities to be installed are estimated at \$214,000.

MRT states that its FERC Gas Tariff does not prohibit the addition of new delivery points and that it has sufficient capacity to accomplish the deliveries proposed herein without detriment or disadvantage to its other customers. MRT states further that because MRT would serve IPC at the proposed delivery point without an increase in the maximum daily volumes it currently delivers under its contract with IPC, there would be no impact on peak day deliveries but MRT would have the potential to increase annual deliveries depending upon IPC's ability to inject gas into its storage fields.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.

### 4. Northern Natural Gas Company Division of Enron Corporation

[Docket No. CP87-250-000]

March 27, 1987.

Take notice that on March 12, 1987, Northern Natural Gas Company Division of Enron Corporation, (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87-250-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for permission and approval to abandon and remove seven small volume measuring stations under

the blanket authorization issued in Docket No. CP82-401-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests authority to abandon the following measuring stations:

Customer	County and State
Arms, J.P.	Hansford Co., Texas.
Cities Service	Pawnee Co., Kansas.
Durkee, D.T.	Kiowa Co., Kansas.
LaMaster, Orla R.	Audubon Co., Iowa.
Logsdon, Bill	Hansford Co., Texas.
Mertland, Delbert	Rice Co., Minnesota.
Sampson, Carroll	Harden Co., Iowa.

Northern states that it has been advised by Peoples Natural Gas Company and West Texas Gas, Inc., that the seven small volume measuring station customers listed above no longer desire natural gas service and wish to have their meters removed. Consequently, Northern is requesting permission and approval to abandon these measuring stations. Northern further states that there would be no termination of service as a result of the abandonments and that the estimated cost of removal of such facilities is \$2,100.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.

### 5. South Georgia Natural Gas Company

[Docket No. CP87-228-000]

March 27, 1987.

Take notice that on March 3, 1987, South Georgia Natural Gas Company (South Georgia), P.O. Box 1279, Thomasville, Georgia 31792-1279, filed in Docket No. CP87-228-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization to construct and operate facilities in connection with the addition of a new delivery point under the certificate issued in Docket No. CP82-584-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

South Georgia states that the City of Tifton, Georgia (City), provides natural gas service to an area in and around the city by purchases it makes from South Georgia at an existing point of delivery in Tift County, Georgia. The application indicates that City has advised South Georgia that the addition of a new delivery point would improve City's ability to provide reliable service to its existing customers. Further, a second delivery point, according to South Georgia, would better serve additional

growth of high priority and industrial loads that may occur in the area of the new delivery point.

South Georgia, as a consequence, proposes to construct and operate approximately 600 feet of 4-inch pipeline, a new combined meter and regulator station and appurtenant facilities in Tift County, Georgia, at an estimated cost of \$75,000. South Georgia indicates that City has agreed to reimburse South Georgia for the actual cost of constructing and installing the proposed pipeline and measurement facilities.

South Georgia states that the present maximum daily obligation (MDO) to City at the existing delivery point is 2,626 Mcf. Pursuant to City's request, South Georgia proposes to assign 1,300 Mcf to the proposed delivery point and 1,326 Mcf to the existing delivery point; thus, the MDO would remain unchanged.

South Georgia states that it has sufficient capacity to accomplish the deliveries proposed by the installation without detriment or disadvantage to South Georgia's other customers.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.

### 6. Tennessee Gas Pipeline Company a Division of Tenneco Inc.

[Docket No. CP87-237-000]

March 27, 1987.

Take notice that on March 9, 1987, Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to establish a new delivery point to New York State Electric & Gas Corporation (NYSEG), an existing firm sales customer, under Tennessee's blanket certificate issued in Docket No. CP82-413-000 on September 1, 1982, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee proposes to establish a new delivery point near Wallace, Steuben County, New York. Tennessee states that the proposed delivery point is necessary to enable NYSEG to render service to a new natural gas franchise areas recently acquired by NYSEG. It is stated that NYSEG would reimburse Tennessee for the estimated \$80,000 construction cost of the proposed delivery point.

Tennessee does not propose to increase or decrease the total daily and/or annual quantities it is authorized to



deliver to NYSEG. Tennessee states that it would deliver no more than 1,000 dt equivalent of natural gas per day and no more than 365,000 dt equivalent of natural gas per annum at the proposed Wallace delivery point. Tennessee asserts that the establishment of the proposed new delivery point is not prohibited by its currently effective tariff and that it would have sufficient capacity to accomplish the deliveries at the proposed delivery point without detriment or disadvantage to any of its customers.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.

#### 7. Williams Natural Gas Company

[Docket No. CP87-255-000]

March 27, 1987.

Take notice that on March 17, 1987, William Natural Gas Company (Applicant), formerly Northwest Central Pipeline Corporation, P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP87-255-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorizations to abandon by reclaim measuring and appurtenant facilities and to abandon in place approximately 2,700 feet of 3-inch pipeline serving the Hiebert Oil company (Hiebert) lease operation in Rice County, Kansas, and the transportation of gas through said facilities, under the blanket certificate issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant states that Hiebert has request that the facilities be reclaimed and that no other customers would be affected by abandoning the 3-inch pipeline. Applicant explains that the total cost of the abandonment would be \$450 with an estimated salvage value of \$510.

Comment date: May 11, 1987, in accordance with Standard Paragraph G at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of

the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or the participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 87-7403 Filed 4-2-87; 8:45 am]

BILLING CODE 6717-01-M

#### Western Area Power Administration

##### Final Post-1989 Allocation of Power; Pick-Sloan Missouri Basin Program-Western Division and the Fryingpan-Arkansas Project; Corrections

**AGENCY:** Western Area Power Administration, Department of Energy.

**ACTION:** Corrections to the Final Post-1989 Allocation of Power from the Pick-Sloan Missouri Basin Program-Western Division and the Fryingpan-Arkansas Project.

In the *Federal Register*, Volume 52, No. 15, January 23, 1987, make the following corrections:

On page 2597, center column, under **SUPPLEMENTARY INFORMATION**, Section III.C.: change "Entitlement" to "Entitlements"; Section IV.B.: change "Entitlement" to "Entitlements".

On page 2598, first column, under Section 1. Comment, second sentence: change "The power Western will be supplying under the Criteria is not needed and will be supplying under the Criteria is not needed and will transfer the savings realized by those preference entities receiving an allocation to the remaining nonpreference entities in Kansas as an added expense." to "The power Western will be supplying under the Criteria is not needed and will transfer the savings realized by those preference entities receiving an allocation to the remaining nonpreference entities in Kansas as an added expense."

On page 2598, third column, under Section 2. Discussion, first sentence: change "24.755 percent" to "24.775 percent."

On page 2599, first column, second line: change "schdeuled" to "scheduled".

On page 2599, third column, under Section V.B., third sentence: change "LOA" to "LAO".

On page 2600, third column, under "New Allottees", Summer Energy column, line 36, (Wyoming: Powell): change "1.953" to "1,953".

Issued at Golden, Colorado, March 23, 1987.

**William H. Clagett,**  
Administrator.

[FR Doc. 87-7441 Filed 4-2-87; 8:45 am]

BILLING CODE 6450-01-M



**ENVIRONMENTAL PROTECTION AGENCY**

[OPTS-59810; FRL-3178-4]

**Certain Chemical Premanufacture Notices****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984 (49 FR 46066) 40 CFR 723.250, EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of three such polymer exemption submissions and provides a summary of each.

**DATES:** Close of Review Period:

Y 87-125, April 5, 1987

Y 87-126, April 6, 1987

Y 87-127, April 8, 1987

**FOR FURTHER INFORMATION CONTACT:** Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87-125

*Manufacturer.* Confidential.  
*Chemical.* (G) Copolymer of acrylic and methacrylic esters.

*Use/Production.* (S) Industrial, commercial and consumer general purpose coating and modifier for coatings, inks and adhesive. Prod. range: Confidential.

Y 87-126

*Manufacturer.* Confidential.  
*Chemical.* (G) Acrylic modified alkyd resin.

*Use/Production.* (S) Industrial component for industrial paint primer. Prod. range: 2,500 to 5,100 kg/yr.

Y 87-127

*Manufacturer.* Esterlite.  
*Chemical.* (G) Unsaturated polyester resin.

*Use/Production.* (G) Electrical resin. Prod. range: Confidential.

Dated: March 24, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87-6991 Filed 4-2-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3180-5]

**Environmental Impact Statements; Availability**

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements Filed March 23, 1987 through March 27, 1987, Pursuant to 40 CFR 1506.9

EIS No. 870104, Draft, FHW, KY, US 127 Improvements, Anderson County Line to I-64, Franklin County, Due: May 20, 1987, Contact: Robert Johnson (502) 227-7321.

EIS No. 870105, Draft, FHW, VA, VA-28/Sully Road Improvements, I-66, Centerville to VA-7, Leesburg Pike, Fairfax and Loudoun Counties, Due: May 18, 1987, Contact: James Tumlin (804) 771-2371.

EIS No. 870106, Draft, COE, CA, Shorelands Commercial and Industrial Park Development, 10/404 Permit, Alameda County, Due: May 18, 1987, Contact: Scott Miner (415) 974-0446.

EIS No. 870107, Final, NPS, NY, PA, Upper Delaware Scenic and Recreational River Management Plan, Due: May 4, 1987, Contact: Mike Gordon (215) 597-9195.

EIS No. 870108, Final, BLM, NV, Clark County Wilderness Study Areas Recommendations, Designation, Las Vegas District, Due: May 4, 1987, Contact: Stephen A. Mellington (702) 388-6403.

EIS No. 870109, Report, MD, VA, Baltimore Harbor and Channels 50 Foot Deepening Project, Rappahannock Shoal and York Spit Channels Dredging and Dredged Material Placement Modifications, Contact: Richard Makinen (202) 272-0166.

EIS No. 870110, Draft, OSM, TN, North Chickamauga Creek Watershed, Designation of Land Unsuitable for Surface Coal Mining Operations, Hamilton County, Due: June 1, 1987, Contact: Willis Gainer (615) 673-4348.

**Amended Notice**

EIS No. 870085, Draft, BLM/AFS, MT, ID, Centennial Mountains Wilderness Study Areas Recommendations, Designation, Targhee and Beaverhead National Forests, Due: June 19, 1987, Published FR March 13, 1987—Review period extended.

Dated: March 31, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-7448 Filed 4-2-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3180-6]

**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared March 16, 1987 through March 20, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

**Draft EISs**

ERP No. D-COE-L39045-AK, Rating EC2, Chignik Small Boat Harbor Facility Development, AK. SUMMARY: EPA recognizes the need for a safe harbor in the project area. EPA requested additional information about the extent of the wetlands adjacent to the site, alternative layout designs for the staging area for the preferred alternative, and operation and maintenance costs associated with the preferred alternative.

ERP No. D-FHW-F40288-MN, Rating E02, TH-77/I-494 Improvements, TH-77/Cedar Ave. From 70th St. to 86th St. and I-494 From W. 12th Ave. to E. 34th Ave., MN. SUMMARY: EPA concluded that noise impacts and impacts to carbon monoxide concentrations were adequately addressed. EPA requested more information regarding emissions of nitrogen oxides and volatile organic compounds.



ERP No. D-UMC-E11019-NC, Rating LO, Cherry 1 Military Operating Area (MOA) and Core MOA, Establishment, NC. SUMMARY: EPA has reviewed the draft EIS for the mandated program interests and does not anticipate any significant adverse environmental consequences.

#### Final EISs

ERP No. F-BLM-L40151-ID, Egin-Hamer Road Construction, Right-of-Way Application, Medicine Lodge Resource Area, ID. SUMMARY: EPA considers the final EIS to be unresponsive to EPA's comments on the draft EIS. The major concern at the draft EIS stage is the significance of potential impacts on elk and endangered species. Monitoring of these species must be included in any road building alternative. EPA recommends that the monitoring program be developed with input from the Fish and Wildlife Service and the Idaho Department of Fish and Game.

ERP No. F-COE-P07018-OH, Wm. Zimmer Conversion Project, Nuclear Power Plant into Coal Fired Electrical Generating Plant, Issuance of Permit, Sect. 10 and 404 Permits, OH. SUMMARY: EPA determined that more information should have been provided regarding alternatives that could reduce impacts to prime mussel habitat in the Ohio River adjacent to Zimmer. Further, the EIS should have evaluated alternatives to environmentally damaging dredging activities proposed solely to obtain fill material. A supplemental EIS is requested.

ERP No. F-MMS-A02116-00, Mid 1987-Mid 1992 OCS Oil and Gas Lease Sales, 5-Year Program, Offshore the Atlantic, Pacific, Gulf of Mexico and Alaska Regions, US. SUMMARY: EPA noted that many of its comments on the draft EIS had been addressed in the final EIS. EPA suggested that Alternative VI (proposed New Schedule eliminating some sales) coupled with the subarea deferrals of Alternative II, the proposals for Bering Sea Sales contained in Alternative X, and certain deferrals from Alternative V represented the environmentally preferable alternative.

ERP No. F-SCS-H36096-00, Upper Locust Creek Watershed, Protection and Flood Prevention, MO and IA. SUMMARY: EPA has no objection to the project as proposed.

#### Regulation

ERP No. R-FHA-A99176-00, 7 CFR Parts 1809 et al., General Revision of Farmer Program Regulations (52 FR 1706). SUMMARY: EPA supports the establishment of conservation easements under § 1951.42 of the

proposed rule in the repayment of FmFA loans.

Dated: March 31, 1987.  
Richard E. Sanderson,  
Director, Office of Federal Activities.  
[FR Doc. 87-7447 Filed 4-2-87; 8:45 am]  
BILLING CODE 6560-50-M

#### [ORD-FRL-3180-4]

#### Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for a Reference Method Determination

Notice is hereby given that on March 4, 1987, the Environmental Protection Agency received an application from Westinghouse Electric Corporation, Combustion Control Division, 1201 Main Street, P.O. Box 901, Orrville, Ohio 44667, to determine if its Model UNOR-6N NDIR Analyzer for Ambient Measurement of Carbon Monoxide should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53 (40 FR 7049, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register**. For further information please contact Mr. C. Frederick Smith at (919) 541-4599.

Vaun A. Newill,  
Assistant Administrator for Research and Development.  
[FR Doc. 87-7385 Filed 4-2-87; 8:45 am]  
BILLING CODE 6560-50-M

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0033  
Title: Notice of Interest in Applying for Federal Disaster Assistance  
Abstract: Form used by local government applicants to list the types of damages to property and facilities in order to determine kinds of damage and location by political entities

Type of Respondents: State or local governments, Non-profit institutions  
Number of Respondents: 2,500  
Burden Hours: 1,250  
Frequency of Recordkeeping or Reporting: On occasion.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Wesley C. Moore,  
Director, Office of Administrative Support.  
[FR Doc. 87-7337 Filed 4-2-87; 8:45 am]  
BILLING CODE 6718-02-M

#### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0043  
Title: Project Application for Federal Assistance  
Abstract: Standard OMB Form 424 (modified) used to apply for grants  
Type of Respondents: State or local governments, non-profit institutions  
Number of Respondents: 2,500  
Burden Hours: 625  
Frequency of Recordkeeping or Reporting: On occasion.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Wesley C. Moore,  
Director, Office of Administrative Support.  
[FR Doc. 87-7338 Filed 4-2-87; 8:45 am]  
BILLING CODE 6718-02-M



**FEDERAL HOME LOAN BANK BOARD****[No. AC-585]****Prospect Park Savings & Loan Association, West Paterson, NJ; Final Action; Approval of Conversion Application**

Dated: March 26, 1987

Notice is hereby given that on March 16, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Prospect Park Savings and Loan Association, West Paterson, New Jersey for permission to convert to the stock form of organization.

Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, DC 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.  
**Jeff Sconyers,**  
*Secretary.*

[FR Doc. 87-7343 Filed 4-2-87; 8:45 am]

BILLING CODE 6720-01-M

**[No. 87-351]****Federal Savings and Loan Advisory Council; Renewal of Charter**

Dated: March 25, 1987.

Pursuant to the provisions of Section 8a of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1428a), the following notice has been adopted by the Federal Home Loan Bank Board for publication in the *Federal Register*.

Pursuant to the Provisions of Section 9 of the Federal Advisory Committee Act (5 U.S.C. App. I), and the implementing regulations issued by the Office of Management and Budget, the Federal Home Loan Bank Board, having determined, that the continuation of the Federal Savings and Loan Advisory Council is in the public interest in connection with the performance of the duties imposed on it by law, hereby renews the existence of the Federal Savings and Loan Advisory Council for two years to January 31, 1989, and in connection therewith reissues the following charter (which appears as Section 8a of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1428a)) to the said Council:

**Federal Savings and Loan Advisory Council Charter**

There is hereby created a Federal Savings and Loan Advisory Council, which shall continue to exist as long as the Bank Board bi-annually determines, as a matter of formal record, with timely notice in the *Federal Register*, to be in the public interest in connection with the performance of duties imposed on the Council by law. The Council shall, in all other respects, be subject to the provisions of the Federal Advisory Committee Act. The Council shall consist of one member for each Federal Home Loan Bank district to be elected annually by the Board of directors of the Federal Home Loan Bank in such district and twelve members to be appointed annually by the Bank Board to represent the public interest. Each such elected member shall be a resident of the district for which he is elected. All members of the Council shall serve without compensation, but shall be entitled to reimbursement from the Bank Board for subsistence, and transportation and other incidental travel expenses in accordance with the Federal Travel Regulation, as amended. The Council shall meet in Washington, District of Columbia, at least twice a year and more often if requested by the Bank Board. The Council may select its chairman, vice chairman, and agenda committee chairman, and adopt methods of procedure, and shall have power—

(1) To confer with the Bank Board on general business conditions, and on conditions affecting the Federal Home Loan Banks and their members and the Federal Savings and Loan Insurance Corporation.

(2) To request information, and to make recommendations, with respect to matters within the jurisdiction of the Bank Board and the Federal Savings and Loan Insurance Corporation.

**Federal Home Loan Bank Board**

The Federal Home Loan Bank Board also has directed, in connection with the foregoing, that—

1. The Federal Savings and Loan Advisory Council's estimated budget of \$50,000 shall be paid for by the self-supporting Federal Home Loan Bank System, and none of its annual operating costs shall be charged to or paid by the United States;

2. The said Charter of the Federal Advisory Council shall not be amended, altered, or repealed except by Congress or by the Federal Home Loan Bank Board, unless reissued prior to that date by the Federal Home Loan Bank Board.

The Savings and Loan Advisory Council.

**John M. Buckley, Jr.,**  
*Executive Secretary*

The Federal Home Loan Bank Board.

**Jeff Sconyers,**  
*Secretary.*

**Charter**

Pursuant to the provisions of section 9 of the Federal Advisory Committee Act, and the implementing regulations issued by the Office of General Services Administration, the following charter, which was statutorily created by Congress as section 8a of the Federal Home Loan Bank Act, as amended, is hereby reissued.

There is hereby created a Federal Savings and Loan Advisory Council, which shall continue to exist as long as the Bank Board bi-annually determines, as a matter of formal record with timely notice in connection with the performance of duties imposed on the Council by law. The Council shall, in all other respects, be subject to the provisions of the Federal Advisory Committee Act. The Council shall consist of one member of each Federal Home Loan Bank district to be elected annually by the Board of directors of the Federal Home Loan Bank in such district and twelve members to be appointed annually by the Bank Board to represent the public interest. Each such elected member shall be a resident of the district for which he is elected. All members and alternates of the Council may be compensated as provided for in section 354 of the Garn-St Germain Depository Institutions Act of 1982 amending section 8a of the Federal Home Loan Bank Act, and shall be entitled to reimbursement from the Bank Board for traveling expenses incurred in attendance of meetings of such Council, and subsistence expenses, in accordance with the Federal Travel Regulations, as amended. The Council shall meet at least twice a year and more often if requested by the Bank Board. The Council may select its chairman, vice chairman, and agenda committee chairman, and adopt methods of procedure, and shall have power—

(1) To confer with the Bank Board on general business conditions, and on special conditions affecting the Federal Home Loan Banks and their members and the Federal Savings and Loan Insurance Corporation.

(2) To request information, and to make recommendations, with respect to matters within the jurisdiction of the Bank Board and the Federal Savings and Loan Insurance Corporation.



The Federal Savings and Loan Advisory Council's expenses shall be paid for by the self-supporting Federal Home Loan Bank System and none of its annual operating costs shall be charged to or paid by the United States.

Federal Savings and Loan Advisory Council.  
John M. Buckley, Jr.,  
*Executive Secretary.*

[FR Doc. 87-7344 Filed 4-2-87; 8:45 am]

BILLING CODE 6720-01-M

### South Florida Savings Bank; Miami, FL; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(2) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for South Florida Savings Bank, Miami, Florida, on March 25, 1987.

Dated: March 30, 1987.

Jeff Sconyers,  
*Secretary.*

[FR Doc. 87-7342 Filed 4-2-87; 8:45 am]

BILLING CODE 6720-01-M

### South Florida Savings Bank; Miami, FL; Appointment of Receiver

Notice is hereby given that the Circuit Court of the State of Florida for the County of Dade has confirmed the appointment by the Comptroller of the State of Florida ("Florida") of a receiver for South Florida Savings Bank, Miami, Florida ("South Florida"), and that pursuant to the authority contained in section 406(c)(1) of the National Housing Act, as amended (12 U.S.C. 1729(c)(1) (1982), the Federal Savings and Loan Insurance Corporation accepted the tender of the Comptroller of the appointment as receiver for South Florida, for the purpose of liquidation, effective March 25, 1987.

Dated: March 30, 1987.

By the Federal Home Loan Bank Board.  
Jeff Sconyers,  
*Secretary.*

[FR Doc. 87-7341 Filed 4-2-87; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

### Privacy Act of 1974; Publication of Notice of Systems of Records

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of Systems of Records.

**SUMMARY:** This notice meets the requirement of the Privacy Act of 1974, regarding the publication of an agency's notice of systems of records.

#### FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** This notice describes the character and gives notice of the systems of records maintained by the Federal Maritime Commission. This agency previously noticed its systems of records by publication in the *Federal Register* at 42 FR 48131, September 22, 1977, as amended by additional systems of records at 44 FR 5941, January 30, 1977, 44 FR 10629, February 22, 1979, and 47 FR 13214, March 29, 1982.

Previously noticed system FMC-6 has been deleted from this publication because the system is no longer maintained and all records formerly included in the system have been destroyed. Previously noticed system FMC-20 has been deleted because it has been determined that it is not a system of records as defined by law, in that information therein is not retrievable by the name of an individual or other identifying number, symbol or particular. To eliminate duplication, a number of other systems are also being deleted because they are included under the government-wide system of records notice published by the Office of Personnel Management: These systems are FMC-8, FMC-9, FMC-14, FMC-16 and FMC-19. Other non-substantive changes in the notices have been made which are of an editorial nature or which reflect changes due to agency reorganization or statutory authority resulting from passage of the Shipping Act of 1984.

Finally, two new systems, FMC-26 and FMC-27 are included in this document. These systems are concurrently being noticed as proposed systems to be effective in 60 days unless an announcement to the contrary is published by this agency. A new systems report for these two systems was filed on March 31, 1987.

By the Commission.

C. Polking,  
*Secretary.*

FMC-1 Personnel Security File  
FMC-2 Non-Attorney Practitioner File  
FMC-7 Licensed Ocean Freight Forwarders File  
FMC-10 Desk Audit File  
FMC-15 Service Control File  
FMC-18 Travel Orders/Vouchers File  
FMC-21 Payroll Records  
FMC-22 Investigatory Files

FMC-23 Parking Applications  
FMC-24 Consumer Complaint File  
FMC-25 Inspector General File  
FMC-26 Administrative Grievance File  
FMC-27 Staffing Plan

#### FMC-1

##### SYSTEM NAME:

Personnel Security File-FMC.

##### SYSTEM LOCATION:

Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Results of name checks, inquiries, and investigations to determine suitability for employment with the U.S. Government, and to determine whether employment or continued employment of an individual can reasonably be expected to be clearly consistent with national security interests.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system of records are used or may be used: 1. By Commission officials to make a determination that the employment of an applicant or retention of employment of a current employee within the Commission is clearly consistent with the interests of national security. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee or the issuance of a security clearance. 4. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a



contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By a court of law or appropriate administrative board or hearing having review or oversight authority.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are maintained in a combination safe in the custody of the personnel security officer and access is limited to the personnel security officer and his duly authorized representatives.

**RETENTION AND DISPOSAL:**

Case transmittal records are maintained at the Federal Maritime Commission for at least two years from the date of final decision in the case as the agency record of adjudication action. All records are destroyed within a time period not to exceed five years after an employee leaves the agency.

**SYSTEM MANAGER(S) AND ADDRESS:**

Security Officer, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Office of Personnel Management report, and reports from other federal agencies.

**FMC-2**

**SYSTEM NAME:**

Non-Attorney Practitioner File-FMC.

**SYSTEM LOCATION:**

Office of Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons, not attorneys, who apply for and/or are granted permission to practice before the Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Application forms and letters of reference in relation to non-attorney practitioners.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

46 CFR 502.27.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The records in this system of records are used or may be used: 1. By personnel of the Secretary's Office to determine whether a non-attorney should be admitted to practice before the Commission. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are maintained in file cabinets under the control of personnel in the Secretary's Office.

**RETENTION AND DISPOSAL:**

Records are maintained in the Office of the Secretary for 10 years after applicant ceases to practice and then are transferred to the Federal Records Center. Records are destroyed 20 years thereafter.

**SYSTEM MANAGER(S) AND ADDRESS:**

Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Applicants.

**FMC 7**

**SYSTEM NAME:**

Licensed Ocean Freight Forwarders File-FMC.

**SYSTEM LOCATION:**

Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM**

Records are maintained on sole proprietorships, partnerships and corporate licensees, exlicensees, and applicants for licenses.



**CATEGORIES OF RECORDS IN THE SYSTEM:**

This record contains the names and addresses, as well as the names and addresses of the stockholders, officers, directors, of individual freight forwarders; descriptions of the relationships the freight forwarder may have with other business entities; credit references; a record of the forwarder's past experience in forwarding; and any financial information and/or criminal convictions pertinent to the licensing of the forwarder.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 553; secs. 3, 8, 10, 11, 13, 15, 17 and 19, Shipping Act of 1984 (46 U.S.C. App. 1702, 1707, 1709, 1710, 1712, 1714, 1716 and 1718).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system of records are used or may be used: 1. By Commission staff for evaluation of applications for licensing. 2. By Commission staff for monitoring the activities of licensees to ensure they are in compliance with Commission regulations. 3. To refer, where there is an indication of a violation or potential violation of law whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulations, or orders issued pursuant thereto. 4. To request from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 5. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by name and license or application number.

**SAFEGUARDS:**

Records are maintained in an area of restricted accessibility.

**RETENTION AND DISPOSAL:**

Applicant and licensee files are kept as long as the application and/or license is active. Files for withdrawn and denied applicants, and revoked licenses remain in the Record Location Center for two years after final action and are then transferred to the Federal Records Center. Then, after ten years the files are destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Bureau of Domestic Regulation Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Request may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

1. Information submitted by applicants and licensees. 2. Commission District Offices. 3. General Public (example complaints). 4. Surety companies.

**FMC-10****SYSTEM NAME:**

Desk Audit File-FMC.

**SYSTEM LOCATION:**

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees of the Federal Maritime Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Each record consists of the position classification, specialist's notes of

conversations, evaluation reports, background papers, and/or research material used to support the audit.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information in this system of records is used or may be used: 1. By Commission officials to support decisions on the proper classification of a position. 2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical or management analysis purposes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

Records Management Policy and Practice.

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are maintained in locked file cabinets.



**RETENTION AND DISPOSAL:**

Records are maintained as long as the position audited remains essential, current, and accurate, after which they are shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Personnel specialists of the Commission.

**FMC-15****SYSTEM NAME:**

Service Control File-FMC.

**SYSTEM LOCATION:**

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM**

Employees of the Federal Maritime Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This record consists of a Service Record Card (Standard Form 7) and a Position Identification Strip (Standard Form 7D). This file provides summary information of organizational structure, budgeted positions, and historical and current status data on employees only for the time they have been with the Commission. The service record of each employee who leaves the agency is filed separately and retained for historical reference.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The records in this system of records are used or may be used: 1. By appropriate Commission officials for personnel actions such as within grade increases, conversions to career tenure, probationary ratings, terminations of limited assignments, and expiration of authorized absences. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, or for management analysis and statistical purposes. 3. To request from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit. 4. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on index cards.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are maintained in locked file cabinets.

**RETENTION AND DISPOSAL:**

Records are maintained while the individual is employed by the Commission and for thirty years afterwards, after which they are shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Personnel specialists of the Federal Maritime Commission.

**FMC 18****SYSTEM NAME:**

Travel Orders/Vouchers File-FMC.

**SYSTEM LOCATION:**

Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Federal Maritime Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Travel Regulations FPMR 101-7 and Travel Expense Amendments Act of 1975 (5 U.S.C. 5701-5709). 44 U.S.C. 3101. 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Records in this system of records are used or may be used: 1. By the Commission for the authorization of travel performed by personnel of the Commission. 2. By the Commission to prepare travel vouchers for submission



to the Federal Home Loan Bank Board and to maintain internal control of travel expenses within the agency. 3. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, information to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto. 4. By the Commission to request from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit. 5. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by name or bureau.

**SAFEGUARDS:**

Records are maintained in locked file cabinets and monitored by the Director of the Office of Budget and Financial Management.

**RETENTION AND DISPOSAL:**

The records are maintained for four years and are then destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the

above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (Airline or train).

**FMC-21**

**SYSTEM NAME:**

Payroll Records-Federal Maritime Commission.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board (FHLBB), Region 3 Office; copies held by the FMC. (FHLBB holds records for the Federal Maritime Commission under contract.)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Varied payroll records, including, among other documents; time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deduction, tax forms, W-2 forms, overtime requests, leave data, retirement records. Records are used by FMC and FHLBB employees to maintain adequate payroll information for FMC employees, and otherwise by the FMC and FHLBB employees who have a need for the record in the performance of their duties.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. generally.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city, or other local jurisdiction and

the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Secretary at the above address.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and microfilm.

**RETRIEVABILITY:**

Social Security Number.

**SAFEGUARDS:**

Stored in guarded building; released only to authorized personnel.

**RETENTION AND DISPOSAL:**

Disposition of records shall be in accordance with the FHLBB Records Maintenance and Disposition System.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Budget and Financial Management, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the



requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

#### CONTESTING RECORD PROCEDURES:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

#### RECORD SOURCE CATEGORIES:

The subject individual; the Commission.

#### Appendix—Federal Maritime Commission

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in

investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from the system of records may be disclosed to officers and employees of the Federal Home Loan Bank Board in connection with administrative services provided to this agency under agreement with FHLBB.

#### FMC-22

##### SYSTEM NAME:

Investigative Files-FMC.

##### SYSTEM LOCATION:

Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records may be maintained on individuals involved in investigations and enforcement actions instituted by the Federal Maritime Commission. These individuals could include employees, owners, officers and directors of steamship companies, ocean freight forwarders, shippers, consignees, brokers and other entities associated with ocean transportation. Included would be individuals alleged to have violated the Shipping Act of 1984; the Intercoastal Shipping Act, 1933; the Shipping Act, 1916; and Public Law 89-777. Also included would be individual applicants routinely investigated in connection with licenses and certificates issued by the FMC pursuant to its statutory authority.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative and intelligence data; documented violations; warning letters and information regarding applications for certification and licensing, if appropriate; and, reports from investigative/law enforcement agencies.

Includes any information on alleged or proven violations of the statutes or parts thereof over which the FMC has jurisdiction.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Shipping Act of 1984, Intercoastal Shipping Act, 1933 (46 U.S.C. 801 and 843), and Shipping Act, 1916.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. In the event that a system of records maintained by the FMC to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an FMC decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system or records may be disclosed as a routine use to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of such joint committee.



6. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

7. A record in this system may be transferred, as a routine use, to the Office of Personnel Management for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in paper form in filing cabinets and in a Lektrevier, Series 80. Statistical data taken from record forms are maintained in a personal computer.

**RETRIEVABILITY:**

Information filed by case of subject file. Records pertaining to individuals are accessed by reference to the Bureau of Investigation's name-relationship index system.

**SAFEGUARDS:**

Records are located in locked metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. The Lektrevier files are locked with a key and the key is secured in a locked file cabinet. Computer information is safeguarded with an access code. Files are maintained in buildings that have 24 hour security guards.

**RETENTION AND DISPOSAL:**

(a) Bureau of Investigations-Records are retained for 7 years after case is closed then transferred to the Federal Records Center. Records are destroyed 14 years after case is closed. (b) Field Offices-Records are destroyed 7 years after case is closed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Bureau of Investigations, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Individual shippers, carriers, freight forwarders, those authorized by the individual to furnish information, trade sources, investigative agencies, investigative personnel of the Bureau of Investigations and other sources of information.

**Appendix**

Los Angeles District, U.S. Customs House Building, 300 S. Ferry Street, Room 2040A, P.O. Box 3184, Terminal Island Station, San Pedro, CA 90731  
Miami District, 1001 North America Way, Room 115, Miami, FL 33132  
New Orleans District, 600 South Maestri Place, Room 1035, P.O. Box 30550 New Orleans, LA 70190-0550  
New York District, 6 World Trade Center, Suite 614, New York, NY 10048-0949  
Puerto Rico District, U.S. District Courthouse, Federal Office Building, Room 762 Carlos Chardon Street, Hato Rey, PR 00918-2254  
San Francisco District, 525 Market Street, 35th Floor, Suite 3510, San Francisco, CA 94105

**FMC-23**

**SYSTEM NAME:**

Parking Application-FMC.

**SYSTEM LOCATION:**

Office of Administrative Services, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and their carpool members desiring agency controlled parking.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names; office locations and telephone numbers; home addresses; make, year, model, and license number of vehicles; carpool usage; handicap and special designations, signatures.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Property Management Regulations § 101-20.111 and § 101-20.117.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Used by Agency employees responsible for allocation and control of parking spaces, and to assist in creating carpools.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

By applicant name or space assignment.

**SAFEGUARDS:**

Records are maintained in a file cabinet in a locked room, with 24 hour building security guards.

**RETENTION AND DISPOSAL:**

Records voided upon update or parking permit cancellation. Files destroyed after second overall reallocation of permits.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Administrative Services, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Individuals to whom the records pertain.



**FMC-24****SYSTEM NAME:**

Informal Inquiries and Complaint File.

**SYSTEM LOCATION:**

Office of Informal Inquiries and Complaints, Federal Maritime Commission 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Consumers complaining against business entities regulated by the Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of complaints and correspondence developed in their resolution, complaint tracking logs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 12160, September 26, 1979.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information in this system of records is used or may be used: 1. To determine whether a complaint can be resolved by staff in various bureaus and offices. 2. To determine whether a complaint can be resolved by a business entity regulated by the Commission. 3. To determine whether the complaint can be resolved by reference to another agency at the federal, state or local level. 4. To provide information to the Commission on developments or trends in the character of complaints which might suggest policy directions, proposed rules or programs.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are serially numbered and indexed by complainant and defendant.

**SAFEGUARDS:**

Records are maintained in locked file cabinets.

**RETENTION AND DISPOSAL:**

Records are maintained by the Federal Maritime Commission for one year, then transferred to the National Records Center. They are destroyed when four years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Informal Inquiries and Complaints, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Consumers who have filed complaints.

**FMC-25****SYSTEM NAME:**

Inspector General File.

**SYSTEM LOCATION:**

Office of the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former employees of the Federal Maritime Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains final Inspector General reports along with supporting documentation, including working papers and follow-up communications and data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101 et seq. and the regulations issued pursuant thereto.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

1. By the Inspector General and authorized officials in conducting audits and investigations to identify and prevent waste, fraud and abuse in agency programs, management and operations, and to take appropriate actions. 2. To refer, where there is an indication of a violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with enforcing or implementing the

statute, rule regulation, or order issued pursuant thereto. 3. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by investigation subject/title.

**SAFEGUARDS:**

Records are maintained in a locked safe.

**RETENTION AND DISPOSAL:**

Records are retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Inspector General, Office of the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Agency employees, reports and contracts from other agencies, and internal and external documents.

**FMC-26****SYSTEM NAME:**

Administrative Grievance File—FMC.



**SYSTEM LOCATION:**

Office of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any employee of the Federal Maritime Commission including any former employee for whom a remedy can be provided (subject to the exclusions in 5 CFR 771.206(b)) who has filed a grievance with the agency (alleging that coercion, reprisal, or retaliation has been practiced against him or her).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Administrative Grievance Files contain all documents related to a particular grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of the hearing when one is held, statements made by the parties to the grievance, and the decision.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1302, 3301, 3302, 7301, E.O. 9830, 3 CFR 1943-1948 Comp., pp. 606-624; E.O. 11222, 3 CFR 2964-2969 Comp., p. 306., 5 CFR 293.202.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information in this system of records is used or may be used: 1. By Commission officials designated as grievance examiners for the purpose of adjudication, by the Director of EEO in the event of an investigation when the EEO complaint relates to the grievance, or for information concerning the outcome of the grievance. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, for statistical analysis purposes, or for program compliance checks. 3. By the Merit Systems Protection Board if necessitated by an appeal. 4. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act. 5. To refer, where there is an indication, of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulation or order issued pursuant thereto. 6. To request from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement

information, data relevant to a Commission decision concerning the hiring or retention of an employee. 7. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 8. By the employee or his/her designated representative in order to gather or provide information necessary to process the grievance.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are stored in locked file cabinets.

**RETENTION AND DISPOSAL:**

The Administrative Grievance File is maintained for three years after the decision is issued and is then shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Information is supplied by the individual to whom the record pertains and/or by his or her representative, personnel specialists, grievance examiners, and any parties providing

information bearing directly on the grievance.

**FMC-27****SYSTEM NAME:**

Staffing Plan—FMC.

**SYSTEM LOCATION:**

Office of the Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees of the Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Staffing Plan file contains current and projected data regarding grade, step and potential promotions of employees of the Commission.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information in this system of records is used, or may be used, by Commission management in the planning for the most efficient and most effective utilization of Commission human resources.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in computer memory and in hard copy.

**RETRIEVABILITY:**

Records are indexed by Commission unit, and by Month and Year and can also be retrieved by name of individual.

**SAFEGUARDS:**

Records are stored in lockable computers in locked offices.

**RETENTION AND DISPOSAL:**

The computer memory is revised monthly, thus erasing obsolete data. Revisions in hard copies are retained until revised, then shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail, and shall meet the requirements set out in § 503.65 of Title 46, Code of Federal Regulations.



**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. The request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46, Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Information is supplied by Commission Offices and Bureaus.  
[FR Doc. 87-7420 Filed 4-2-87; 8:45 am]

BILLING CODE 6730-01-M

**Privacy Act of 1974; Proposed New Systems of Records**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed new systems of records.

**SUMMARY:** This notice proposes the establishment of two new systems of records relating to agency administrative grievance processing and staffing of Commission bureaus and offices. These systems contain information necessary for the Commission to process grievances filed by current and former employees and to better manage its human resources.

**DATES:** Comments must be submitted on or before May 4, 1987. If no comments are received the proposed systems will become effective on June 2, 1987.

**ADDRESSES:** Comments may be mailed to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573

**FOR FURTHER INFORMATION CONTACT:** Joseph C. Polking, Secretary, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** Notice is given that, pursuant to 5 U.S.C. 552 of the Privacy Act of 1974, the Commission proposes to adopt the following additional systems of records. Interested parties may participate by filing with the Secretary, Federal Maritime Commission, an original and 15 copies of their views and comments pertaining to the notice. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired changes and should be accompanied by supportive statements and arguments. If no comments are received within the prescribed time the proposed system will become effective within 60 days of publication of this notice, unless an announcement to the contrary is published by the Commission. A new system report for

these two proposed systems was filed on March 31, 1987.

By the Commission.

Joseph C. Polking,  
Secretary.

**FMC-26****SYSTEM NAME:**

Administrative Grievance File—FMC.

**SYSTEM LOCATION:**

Office of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any employee of the Federal Maritime Commission including any former employee for whom a remedy can be provided (subject to the exclusions in 5 CFR 771.206(b)) who has filed a grievance with the agency (alleging that coercion, reprisal, or retaliation has been practiced against him or her).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Administrative Grievance Files contain all documents related to a particular grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of the hearing when one is held, statements made by the parties to the grievance, and the decision.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1302, 3301, 3302, 7301, E.O. 9830, 3 CFR 1943-1948 Comp., pp. 606-624; E.O. 11222, 3 CFR 2964-2969 Comp., p. 306., 5 CFR 293.202.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in this system of records is used or may be used: 1. By Commission officials designated as grievance examiners for the purpose of adjudication, by the Director of EEO in the event of an investigation when the EEO complaint relates to the grievance, or for information concerning the outcome of the grievance, or for information concerning the outcome of the grievance. 2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, for statistical analysis purposes, or for program compliance checks. 3. By the Merit Systems Protection Board if necessitated by an appeal. 4. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act. 5.

To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulation or order issued pursuant thereto. 6. To request from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee. 7. To provide or disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 8. By the employee or his/her designated representative in order to gather or provide information necessary to process the grievance.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed alphabetically by name.

**SAFEGUARDS:**

Records are stored in locked file cabinets.

**RETENTION AND DISPOSAL:**

The Administrative Grievance File is maintained for three years after the decision is issued and is then shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573-0001.

**NOTIFICATION PROCEDURE:**

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in § 503.65 of Title 46 of the Code of Federal Regulations.



**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46 of the Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Information is supplied by the individual to whom the record pertains and/or by his or her representative, personnel specialists, grievance examiners, and any parties providing information bearing directly on the grievance.

**FMC-27****SYSTEM NAME:**

Staffing Plan—FMC.

**SYSTEM LOCATION:**

Office of the Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees of the Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Staffing Plan file contains current and projected data regarding grade, step and potential promotions of employees of the Commission.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information in this system of records is used, or may be used, by Commission management in the planning for the most efficient and most effective utilization of Commission human resources.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in computer memory and in hard copy.

**RETRIEVABILITY:**

Records are indexed by Commission unit, and by Month and Year and can also be retrieved by name of individual.

**SAFEGUARDS:**

Records are stored in lockable computers in locked offices.

**RETENTION AND DISPOSAL:**

The computer memory is revised monthly, thus erasing obsolete data.

Revisions in hard copies are retained until revised, then shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001.

**RECORD ACCESS PROCEDURES:**

Requests for access to a record should be directed to the Secretary, listed at the above address. Requests may be in person or by mail, and shall meet the requirements set out in § 503.65 of Title 46, Code of Federal Regulations.

**CONTESTING RECORD PROCEDURES:**

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. The request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of § 503.66 of Title 46, Code of Federal Regulations.

**RECORD SOURCE CATEGORIES:**

Information is supplied by Commission Offices and Bureaus.

[FR Doc. 87-7421 Filed 4-2-87; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM**

[Docket No. R-0582]

**Fees for Federal Reserve Bank; Check Collection Services**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Notice.

**SUMMARY:** The Board has approved a Federal Reserve Bank redeposit service for low-dollar cash items that are returned unpaid. Reserve Banks offering the service will, if their senders so instruct, intercept low-dollar cash items being returned for insufficient or uncollected funds, and redeposit the items for collection.

**EFFECTIVE DATE:** March 30, 1987.

**FOR FURTHER INFORMATION CONTACT:**

Anne M. DeBeer, Assistant Director (202/452-3879), or Gayle Thompson, Senior Analyst (202/452-2934), Division of Federal Reserve Bank Operations; or, for the hearing impaired only: Earnestine Hill or Dorothea Thompson, Teletcommunication Device for the Deaf (TDD) (202/452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:****Background**

On November 4, 1986, the Board issued for public comment a proposal to

allow Federal Reserve Banks to offer a redeposit service for low-dollar cash items that are being returned unpaid.<sup>1</sup> This proposal was initiated as a result of requests from the banking industry. Many collecting institutions routinely redeposit for collection low-dollar cash items returned to them for insufficient funds, because a large proportion of these items are paid on their second presentment. The collecting institutions find this practice to be simpler and less expensive than returning the items to their depositing customers.

In order to test the feasibility of accelerating the reclearing of certain low-dollar return items, the Federal Reserve Bank of St. Louis was authorized to conduct a pilot, which commenced in July, 1984, which was designed to determine what benefits could be provided to collecting institutions and the payments mechanism if Reserve Banks were to intercept and redeposit low-dollar return items on behalf of their senders.<sup>2</sup> In May, 1985, based on encouraging results from the St. Louis program, the Atlanta and Cleveland Reserve Banks were authorized to provide a similar service so that comparative data on the benefits of the return item reclearing service could be obtained.<sup>3</sup>

Results of the pilot program indicated that the reclearing service can benefit collecting institutions by reducing the costs associated with low-dollar return items and by accelerating collection times. Depositors of all sizes indicated cost savings due to the pilot, and large depositors in the St. Louis District were found to experience monthly savings of as much as \$1,000. The pilot found that between 57 and 64 per cent of the redeposited checks were collected on the second presentment.

**Comments**

A total of 225 public comments<sup>4</sup> were received on the Board's proposal to offer

<sup>1</sup> 51 FR 40516 (Nov. 7, 1986).

<sup>2</sup> A "sender" is an entity that sends items to a Federal Reserve Bank. A sender may be a depository institution, an international organization, a foreign correspondent, a branch or agency of a foreign bank, or another Reserve Bank. 12 CFR 210.2(k). As Reserve Banks will not be reclearing items for other Reserve Banks, they will be excluded from the meaning of the term "sender" when it is used in this notice.

<sup>3</sup> The dollar cutoff for the reclearing service is \$100 in St. Louis; items for amounts over \$100 are not eligible for the reclearing service. Atlanta and Cleveland allow the sender to choose its own dollar cutoff. Experience in Cleveland indicates that \$100 is favored by the majority of senders. In Atlanta, however, one sender elected to use a dollar cutoff of \$900.

<sup>4</sup> Comments were also received from nine Federal Reserve Banks. The Reserve Banks' comments are not included in the totals discussed in this notice.



a redeposit service. Of these, 176 commenters, or 78 per cent, were in favor of the proposal; 25 commenters, or 11 per cent, were opposed; and 24 (11 per cent) did not indicate whether they were for or against the proposal.

The commenters that favored the proposal indicated that the potential for reduced in-house costs and the potential for faster payment of the redeposited items were the primary factors in their decision to support the proposal. In addition, several commenters reported that it is their current practice to redeposit low-dollar items. The experience reported by six of these commenters comports with the pilot results which show that a large percentage of unpaid items are paid on the second presentment.

Those opposing the proposal did so primarily out of a concern that a sender could incur liability if it redeposits an item without providing prompt notice of the redeposit to its depositor. The Board notes, however, that senders need not incur such liability. The redeposit service will be an option offered by Reserve Banks; any sender concerned that potential liability may outweigh the benefits of using the service need not participate.

Several commenters suggested enhancements to the service as proposed by the Board. These enhancements include allowing the sender to select its own dollar cutoff for eligible returns; allowing the sender to specify eligible returns by account number rather than requiring a blanket redeposit policy; and allowing the sender to select the redeposit service only for items payable within the local area, but not for non-local items.

#### Board Action

In its policy statement, "The Federal Reserve in the Payment System," 70 Fed. Res. Bull. 707 (1984), the Board established a policy that before the Federal Reserve introduces a new service or a major service enhancement, all of the following criteria must be met:

(1) The Federal Reserve must expect to achieve full recovery of costs over the long run.

(2) The Federal Reserve must expect its provision of the service to yield a clear public benefit, including, for example . . . improving the efficiency of the payment mechanism or reducing the use of real resources. . . .

(3) The service should be one that other providers alone cannot be expected to provide with reasonable effectiveness, scope, and equity.

70 Fed. Res. Bull. at 710.

Based on the comments and the continuing evidence from the pilot

programs, the Board believes that the proposed low-dollar reclearing service meets all of these criteria: (1) Reserve Banks will recover all costs associated with the service. (2) The service will yield clear public benefits by improving the efficiency of the return item process and reducing the amount of real resources expended by collecting institutions in the return item process. (3) For cash items that are collected through the Federal Reserve, Reserve Banks alone can provide the service to their senders. Thus, while other collecting institutions can and do provide reclearing services for institutions that send items to them for collection, the Federal Reserve must provide this service for it to be available to institutions that choose to collect some or all of their cash items through a Reserve Bank.

Accordingly, the Board has approved the proposal to allow all Federal Reserve Banks to offer as an option to their senders a basic redeposit service for low-dollar cash items being returned unpaid for insufficient or uncollected funds. Reserve Banks offering the service will use a two-part fee structure consisting of a fixed daily fee for reclearing items up to a number of items specified by the Reserve Bank and a per item fee for any additional volume.

The Board has also approved enhancements to the basic service, including permitting the sender to choose the dollar cut-off for return items to be redeposited, allowing the sender to specify eligible return items by account number rather than requiring a blanket redeposit policy, and permitting the sender to select the redeposit service only for items payable within the local area. Reserve Bank proposals to offer these and other service enhancements will be approved by the Director of the Division of Federal Reserve Bank Operations under delegated authority from the Board.

Board of Governors of the Federal Reserve System, March 30, 1987.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 87-7380 Filed 4-2-87; 8:45 am]

BILLING CODE 6210-01-M

#### Austin County Bankshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation

Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1987.

A. Federal Reserve Bank of Dallas  
(W. Arthur Tribble, Vice President) 400  
South Akard Street, Dallas, Texas 75222:

1. *Austin County Bankshares, Inc.*,  
Bellville, Texas; to engage *de novo* in  
the activity of making, acquiring and/or  
servicing loans for itself or for others of  
the type made by a mortgage or  
consumer finance company pursuant to  
§ 225.25(b)(1) of the Board's Regulation  
Y. This activity will be conducted in the  
State of Texas.

Board of Governors of the Federal Reserve  
System, March 30, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-7381 Filed 4-2-87; 8:45 am]

BILLING CODE 6210-01-M

#### Norwood Associates II et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice  
have applied for the Board's approval



under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 23, 1987.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Norwood Associates II*, Hackensack, New Jersey; to become a bank holding company by acquiring 30.3 percent of the voting shares of Midland Bancorporation, Paramus, New Jersey, and thereby indirectly acquire Midland Bank & Trust Company, Paramus, New Jersey.

**B. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *American Bancorporation*, Wheeling, West Virginia; to acquire 100 percent of the voting shares of Citizens National Bank Flushing-St. Clairsville, St. Clairsville, Ohio.

**C. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 80 percent of the voting shares of Bank of Pensacola, Pensacola, Florida.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Americorp*, Ventura, California; to become a bank holding company by acquiring 100 percent of the voting shares of American Commercial Bank, Ventura, California.

Board of Governors of the Federal Reserve System, March 30, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87-7382 Filed 4-2-87; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 20, 1987.

#### Public Health Service (PHS)

(Call Reports Clearance Officer on 202-245-2100 for copies of Package)

##### *Food and Drug Administration*

Subject: Advisory Opinions—21 CFR 10.85 Extension—(0910-0193)

Respondents: Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.

Subject: New Animal Drug Requirements for Medicated Free-Choice Feeds 21-CFR-519.455—Revision—(0910-0205)

Respondents: Businesses or other for-profit; Small businesses or organizations

Subject: (Petition for) Administrative Stay of Action—Revision—(0910-0194)

Respondents: Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations

Subject: Notice of Participation—Revision—(0910-0191)

##### *Health Resources Services Administration*

Subject: Federal Set-Aside Program of the Maternal and Child Health Services Block Grant Program—Reinstatement—(0915-0050)

Respondents: State or local governments; Non-profit institutions  
OMB Desk Officer: Shannah Koss

#### Family Support Administration (FSA)

(Call Reports Clearance Officer on 202-245-0652 for copies of package)

Subject: Model State Plan for the Low Income Energy Assistance Program—Reinstatement—(0970-0022)

Respondents: State or local governments  
OMB Desk Officer: Judy Egan

#### Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of package)

Subject: Supplemental Security Income—Quality Review Case Analysis—Revision—(0960-0135)

Respondents: Individuals or households  
Subject: Report of Student Beneficiary at End of School Year—End of School Report of Student Beneficiary Outside the United States—Extension—(0960-0089)

Respondents: Individuals or households  
Subject: Record of SSI Inquiry—Extension—(0960-0140)

Respondents: Individuals or households  
Subject: Annual Earnings Test Direct-Mail Follow-up Program Notices—Revision—(0960-0369)

Respondents: Individuals or households

#### Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

Subject: Questions to Determine Who Paid for Supplier Services Furnished to Hospital Inpatients (Intermediary Section 3672.31 Carrier Manual Section 4168)—NEW—HCFA-R-98  
Respondents: Businesses or other for-profit

Subject: Medicaid Eligibility Quality Control Information Collection Requirements in 42 CFR 431.804(d)(3) and (4)—Revision—(0938-0344)—HCFA-R-37

Respondents: State or local governments  
OMB Desk Officer: Allison Herron

#### Office of The Secretary

(Call Reports Clearance Officer on 202-245-0509 for copies of package)

Subject: Self-evaluation and Recordkeeping required by the Regulation Implementing Section 504 of the Rehabilitation Act of 1973 (45 CFR 84.6 (c)—Extension—(0990-0124)

Respondents: State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations  
OMB Desk Officer: Judy Egan

#### Office of Human Development Services

(Call Reports Clearance Officer on 202-472-4415 for copies of package)

Subject: Head Start Program Information—Revision—(0980-0017)



Respondents: Head Start Grantees  
OMB Desk Officer: Judy Egan

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS/FDA: 202-245-2100  
FSA: 202-245-0652  
HCFA: 301-594-8650  
OS: 202-245-0509  
OHDS: 202-472-4415  
SSA: 301-594-5706

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New  
Executive Office Building, Room 3208,  
Washington, DC. 20503

Attn: (name of OMB Desk Officer)

Dated: March 30, 1987.

James F. Trickett,  
Director, Office of Administrative and  
Management Services.

[FR Doc. 87-7397 Filed 4-2-87; 8:45 am]

BILLING CODE 4150-04-M

#### Public Health Service; Protection and Advocacy for Mentally Ill Individuals; Delegation of Authority

I hereby delegate to the Assistant Secretary for Health all authorities vested in me under Title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, as amended, with the exception of the authorities to issue regulations and submit reports to Congress. The authorities delegated herein may be redelegated.

This delegation is effective upon date of signature.

Dated: March 19, 1987.

Otis R. Bowen,  
Secretary.

[FR Doc. 87-7398 Filed 4-2-87; 8:45 am]

BILLING CODE 4160-20-M

#### Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) covers the Social Security Administration (SSA). Notice is given that Part S being revised. Specifically Chapter S (as last amended at 49 FR 4989 of February 9, 1984) and Chapter SA (as last amended at 50 FR 35608 of September 3, 1985) are amended and

Chapters S1, S2, S3, S4, and S5 are issued to reflect the designation of the Deputy Commissioners for Programs, Operations, Systems, Policy and External Affairs, and Management and Assessment as line officials responsible for directing major organizational components. Notice is also given that the Office of Strategic Planning is being established. Other function transfers are reflected. The following Chapters replace Part S in its entirety.

#### Chapter S—Social Security Administration

S.00 Mission  
S.10 Organization  
S.20 Functions  
S.30 Order of Succession

##### Section S.00 The Social Security Administration—(Mission)

The Social Security Administration in the Nation's primary income security Agency. It administers the Federal retirement, survivors and disability insurance programs, as well as the program of supplemental security income (SSI) for the aged, blind and disabled, and performs certain functions with respect to the black lung benefits program. SSA also directs the aid to the aged, blind and disabled in Guam, Puerto Rico and the Virgin Islands.

##### Section S.10 The Social Security Administration—(Organization)

The Social Security Administration, under the supervision and direction of the Commissioner of Social Security (the Commissioner), includes:

- A. The Office of the Commissioner (SA).
- B. The Office of the Deputy Commissioner, Management and Assessment (S1).
- C. The Office of the Deputy Commissioner, Operations (S2).
- D. The Office of the Deputy Commissioner, Programs (S3).
- E. The Office of the Deputy Commissioner, Systems (S4).
- F. The Office of the Deputy Commissioner, Policy and External Affairs (S5).

##### Section S.20 The Social Security Administration—(Functions)

The Social Security Administration performs all functions necessary to accomplish the Agency's mission. These are specified in more detail in the sections which follow Section S.30.

##### Section S.30 The Social Security Administration—(Order of Succession)

- A. 1. In the event of the absence of the Commissioner, one of the Deputy Commissioners shall be designated by

the Commissioner to serve as Acting Commissioner.

2. In the event of the disability of the Commissioner or a vacancy in the position, the Secretary of Health and Human Services (the Secretary) shall designate one of the Deputy Commissioners to serve as Acting Commissioner.

3. In the event of the absence of the Commissioner and the Deputy Commissioners, an SSA official designated by the Commissioner shall serve as Acting Commissioner.

4. Should the position of the Commissioner and the Deputy Commissioner positions become vacant, or these officials become disabled, an official designated by the Secretary shall serve as Acting Commissioner.

B. 1. Where an Associate Commissioner has two Deputies, one of the Deputies shall be designated by the Associate Commissioner to serve as Acting Associate Commissioner during his/her absence. In the event of a disability of the Associate Commissioner, the Commissioner shall designate one of the Deputy Associate Commissioners to serve as Acting Associate Commissioner.

2. In the event of the absence of both an Associate Commissioner and his/her Deputy or Deputies, an executive designated by the Associate Commissioner shall serve as Acting Associate Commissioner.

3. Should an Associate Commissioner or his/her Deputy Associate Commissioner become disabled, an SSA official designated by the Commissioner shall serve as Acting Associate Commissioner.

C. 1. During the absence or disability of a Regional Commissioner, the Deputy Regional Commissioner shall serve as Acting Regional Commissioner.

2. In the event of the absence of both a Regional Commissioner and his/her Deputy, an SSA regional office official designated by the particular Regional Commissioner shall serve as Acting Regional Commissioner.

3. Should both the Regional Commissioner and Deputy Regional Commissioner become disabled, an SSA official designated by the Commissioner shall serve as Acting Regional Commissioner.

#### Chapter SA—Office of the Commissioner

SA.00 Mission  
SA.10 Organization  
SA.20 Functions



*Section SA.00 The Office of the Commissioner—(Mission)*

The Office of the Commissioner (OC) is directly responsible to the Secretary for all programs administered by SSA; for State-administered programs directed by SSA; and for certain functions with respect to the black lung benefits program. It provides executive leadership to SAA. The Office is responsible for development of policy; administrative and program direction; program interpretation and evaluation; research oriented to the study of the problems of economic insecurity in American society; and development of recommendations on methods of advancing social and economic security through social insurance and related programs.

*Section SA.10 The Office of the Commissioner—(Organization)*

The Office of the Commissioner, under the leadership of the Commissioner of Social Security, includes:

- A. The Commissioner of Social Security (SA).
- B. The Immediate Office of the Commissioner (SA), which includes:
  - 1. The Executive Secretariat (SAX).
  - 2. The Office of Strategic Planning (SAJ).

*Section SA.20 The Office of the Commissioner—(Functions)*

A. The Commissioner of Social Security (SA) provides executive leadership to SSA and exercises general supervision over its major components.

B. The Immediate Office of the Commissioner (SA) provides the Commissioner with staff assistance on the full range of his/her responsibilities.

- 1. The Executive Secretariat (SAX).
  - a. Coordinates and provides liaison for internal communication and correspondence control for OC.
  - b. Monitors administrative and program policy development and policy implementation activities, and prepares periodic status reports.
  - c. Ensures that issues requiring the Commissioner's attention are developed timely and coordinated with SSA and HHS components having an interest in the matter; designs and implements procedures for proper coordination and followthrough on specific issues.
  - d. Communicates the objectives, priorities and standards of OC to individuals involved in the preparation of correspondence and memoranda, and ensures that communications signed or approved by OC are consistent with these standards and objectives.
  - e. Reviews and analyzes memoranda and other communications directed to

OC for adequacy of coordination and clearances, clearness and conciseness of presentation, timeliness, necessary followthrough and other elements of completed staff work.

f. Works with operating components and staff offices to improve the quality of decision papers and correspondence directed to the Office of the Secretary.

2. The Office of Strategic Planning (SAJ).

a. Establishes and implements a framework for the effective planning, evaluation and management of all of SSA's resources, projects and activities in accordance with applicable law and regulation.

b. Develops and promulgates planning and evaluation policies, procedures and methodologies for the Agency.

c. Develops the Agency's operational, tactical and strategic planning documents; monitors implementation of approved plans, and conducts or directs special cross-cutting projects.

**Chapter S1—Office of the Deputy Commissioner, Management and Assessment**

- S1.00 Mission
- S1.10 Organization
- S1.20 Functions

*Section S1.00 The Office of the Deputy Commissioner, Management and Assessment—(Mission)*

The Office of the Deputy Commissioner, Management and Assessment (ODCMA) directs the administration of the Agency management programs including: budget and financial management, human resources, civil rights (CR) and equal opportunity (EO), training, grants and contracts, management analysis and material resources. It directs the evaluation of program operations quality and the management of Agency quality assurance and security programs.

*Section S1.10 The Office of the Deputy Commissioner, Management and Assessment—(Organization)*

The Office of the Deputy Commissioner, Management and Assessment, under the leadership of the Deputy Commissioner, Management and Assessment, includes:

- A. The Deputy Commissioner, Management and Assessment (S1).
- B. The Immediate Office of the Deputy Commissioner, Management and Assessment (S1A).
- C. The Office of Management, Budget and Personnel (S1M).
- D. The Office of Assessment (S1L).

*Section S1.20 The Office of the Deputy Commissioner, Management and Assessment—(Functions)*

A. The Deputy Commissioner, Management and Assessment (S1) is directly responsible to the Commissioner for carrying out the ODCMA mission and providing general supervision to the major components of ODCMA.

B. The Immediate Office of the Deputy Commissioner, Management and Assessment (S1A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Office of Management, Budget and Personnel (S1M) provides overall management of SSA resources. The Office develops policy and guidelines for the exercise of SSA-wide management responsibilities, and evaluates and appraises the manner in which those responsibilities are carried out. It administers the following SSA-wide management programs:

- 1. Budget and financial management.
- 2. The full range of human resources programs.
- 3. Training and employee development.
- 4. Management analysis and workforce planning.
- 5. Civil rights and equal opportunity.
- 6. Materiel and general management support services.
- 7. Contracts and grants.

D. The Office of Assessment (S1L) reviews, evaluates and assesses the integrity and quality of the administration of Social Security programs and makes recommendations for corrective actions. It evaluates the quality of SSS operations and manages SSA's quality assurance programs, and SSA's audit and security programs. It also monitors and assesses SSA's compliance with statutes governing access to information and confidentiality of records, and represents SSA with external auditors.

**Chapter S2—Office of the Deputy Commissioner, Operations**

- S2.00 Mission
- S2.10 Organization
- S2.20 Functions

*Section S2.00 The Office of the Deputy Commissioner, Operations—(Mission)*

The Office of the Deputy Commissioner, Operations (ODCO) directs and manages central office and geographically dispersed operations installations. It oversees regional operating program, technical assessment and program management activities. It directs studies and actions to improve



the operational effectiveness and efficiency of its components.

*Section S2.10 The Office of the Deputy Commissioner, Operations—(Organization).*

The Office of the Deputy Commissioner, Operations, under the leadership of the Deputy Commissioner, Operations, includes:

- A. The Deputy Commissioner, Operations (S2).
- B. The Immediate Office of the Deputy Commissioner, Operations (S2A).
- C. The Field Liaison and Support Staff (S2C).
- D. The Office of Central Operations (S2P).
- E. The Office of the Regional Commissioner (S2D1–S2DX).

*Section S2.20 The Office of the Deputy Commissioner, Operations—(Functions)*

A. The Deputy Commissioner, Operations (S2) is directly responsible to the Commissioner for carrying out the ODCO mission and providing general supervision to the major components of ODCO.

B. The Immediate Office of the Deputy Commissioner, Operations (S2A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Field Liaison and Support Staff (S2C).

1. Advises the Deputy Commissioner on the full range of issues pertaining to headquarters' support to the SSA field organization.

2. Ensures effective ongoing liaison between SSA headquarters and the SSA field organization.

3. Ensures that the concerns of, and issues raised by, the field organization on proposed legislation, operations, policy, procedures and systems matters are addressed by the appropriate headquarters' components.

4. Coordinates with field management in the identification of field components' systems needs, and in the installation and evaluation of systems applications in all SSA programs which affect field office operating procedures and practices.

5. Plans and coordinates a continuing program of operational analysis throughout field operations and the design and implementation of studies to measure the overall effectiveness and efficiency of field operations processes and identification and resolution of operating problems and issues.

D. The Office of Central Operations (S2P) coordinates SSA's central office operating components and geographically dispersed operations installations not under the line authority

of the Regional Commissioners. The Office directs headquarters' components responsible for central records operations; the seven SSA program service centers; three data operations centers; and central disability operations. It plans and carries out comprehensive analyses and studies, and directs the implementation of actions to improve operational effectiveness and efficiency.

E. The Office of the Regional Commissioner (S2D1–S2DX) serves as the principal SSA component at the regional level and assures effective SSA interaction with HHS regional offices; other Federal agencies in the regions; State Welfare Agencies; State Disability Determination Services; and other regional and local organizations. The Office provides regional program leadership and technical direction for the retirement, survivors and disability insurance programs; the black lung benefits program; the SSI program and the field assessment program. It issues regional operating policy and procedures for these programs. It directs a regionwide network of district offices, branch offices and teleservice centers.

**Chapter S3—Office of the Deputy Commissioner, Programs**

- S3.00 Mission
- S3.10 Organization
- S3.20 Functions

*Section S3.00 The Office of the Deputy Commissioner, Programs—(Mission)*

The Office of the Deputy Commissioner, Programs (ODCP) directs and manages the planning, development, issuance and evaluation of the program and operational policies, standards and instructions for the retirement and survivors insurance, disability and SSI programs. Directs the development and conduct of legislative planning for the Agency, and the formulation and issuance of program objectives and policies across program lines. Oversees Agency hearings and appeals activities. Directs the development of actuarial estimates and analyses pertaining to SSA-administered programs and projected changes in those programs.

*Section S3.10 The Office of the Deputy Commissioner, Programs—(Organization)*

The Office of the Deputy Commissioner, Programs, under the leadership of the Deputy Commissioner, Programs, includes:

- A. The Deputy Commissioner, Programs (S3).
- B. The Immediate Office of the Deputy Commissioner, Programs (S3A).

C. The Office of Legislative and Regulatory Policy (S3H).

D. The Office of Retirement and Survivors Insurance (S3B).

E. The Office of Disability (S3C).

F. The Office of Supplemental Security Income (S3E).

G. The Office of Actuary (S3N).

H. The Office of Hearings and Appeals (S3G).

*Section S3.20 The Office of the Deputy Commissioner, Programs—(Functions)*

A. The Deputy Commissioner, Programs (S3) is directly responsible to the Commissioner for carrying out the ODCP mission and providing general supervision to the major components of ODCP.

B. The Immediate Office of the Deputy Commissioner, Programs (S3A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Office of Legislative and Regulatory Policy (S3H) develops and conducts the legislative planning program of SSA and serves as the focal point for all legislative activity in SSA. The Office evaluates the effectiveness of programs administered by SSA in terms of legislative needs, and analyzes and develops recommendations on related proposals. It provides advisory service to SSA and HHS officials on legislation of interest to SSA pending in Congress. It also provides legislative specification drafting service.

D. The Office of Retirement and Survivors Insurance (S3B) develops, coordinates, evaluates the program and issues Retirement and Survivors Insurance (RSI) operational policy and procedures. It conducts studies of the current impact and future needs of the RSI program. It ensures that interrelated policy areas are coordinated. The Office develops and issues program regulations and participates in legislative planning by identifying legislative needs and developing legislative proposals.

E. The Office of Disability (S3C) develops, coordinates, evaluates the program and issues the operational policies, standards and instructions for the SSA-administered disability programs. Develops and issues policies and guidelines for use by State, Federal or private contractor providers which implement the disability provisions of the Social Security Act as amended. The Office plans and directs a continuing program performance evaluation, and an economic and social survey program to evaluate the current impact and future needs of the disability programs. It ensures that interrelated policy areas are coordinated.



F. The Office of Supplemental Security Income (S3E) develops, coordinates, evaluates the program and issues the operational policies, standards and instructions for the SSI program. Develops actuarial and cost estimates for SSI. Develops and issues policies and guidelines for use by State and Federal organizations which implement the SSI provisions of the Social Security Act as amended. Develops agreements with the States that govern State supplementation programs, Medicaid eligibility, data exchange programs, food stamps, energy assistance and fiscal reporting processes. The Office plans and directs a continuing performance evaluation, and an economic and social survey program to evaluate the current impact and future needs of the SSI program.

G. The Office of the Actuary (S3N) develops actuarial estimates and analyses pertaining to SSA-administered retirement, survivors and disability programs and to projected changes in those programs. It conducts studies of program financing, performs actuarial and demographic research on social insurance and related program issues, and projects future workloads.

H. The Office of Hearings and Appeals (S3G) holds hearings and issues decisions as part of the SSA appeals process. It directs a nationwide field organization which conducts impartial hearings and makes decisions on appealed determinations involving retirement, survivors, disability, health insurance, black lung and SSI benefits. The Office also performs central office reviews of decisions.

#### **Chapter S4—Office of the Deputy Commissioner, Systems**

S4.00 Mission  
S4.10 Organization  
S4.20 Functions

##### **Section S4.00 The Office of the Deputy Commissioner, Systems—(Mission).**

The Office of the Deputy Commissioner, Systems (ODCS) directs the SSA administrative, management and statistical systems development and operation. Oversees the planning, operation and maintenance of SSA computer and telecommunications systems. Directs the conduct of comprehensive integration and strategic planning processes, and the coordination of a comprehensive systems configuration management program and data base management program. Oversees software and hardware acquisition procedures, policies and activities.

Directs the development of organizational information requirements and functional specifications for new and modified systems, and oversees development, validation and implementation phases.

##### **Section S4.10 The Office of the Deputy Commissioner, Systems—(Organization).**

The Office of the Deputy Commissioner, Systems, under the leadership of the Deputy Commissioner, Systems, includes:

- A. The Deputy Commissioner, Systems (S4).
- B. The Immediate Office of the Deputy Commissioner, Systems (S4A).
- C. The Office of Information Systems (S4Y).
- D. The Office of Strategic Planning and Integration (S4Q).
- E. The Office of System Integration (S4U).
- F. The Office of System Operations (S4B).
- 1. The Office of Computer Processing Operations (S4BP).
- 2. The Office of System Support and Planning (S4BL).
- G. The Office of System Requirements (S4T).

##### **Section S4.20 The Office of the Deputy Commissioner, Systems—(Functions).**

A. The Deputy Commissioner, Systems (S4) is directly responsible to the Commissioner for carrying out the ODCS mission and providing general supervision to the major components of ODCS.

B. The Immediate Office of the Deputy Commissioner, Systems (S4A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Office of Information Systems (S4Y) directs, develops and coordinates SSA-wide administrative, management and statistical information systems throughout the systems life cycle. This includes the development and coordination of information requirements, systems specifications, software development and implementation of new systems and modifications to existing systems, and the development of procedures and instructions to support user needs.

D. The Office of Strategic Planning and Integration (S4Q) directs and conducts SSA's comprehensive integration and strategic planning processes. It provides management leadership and direction to SSA systems activities in the areas of software engineering technology and systems

engineering management. The Office develops SSA's Information Technology Systems budget, prepares the SSA systems detailed budget submission, and develops and maintains systems-wide procurement, contract and resource monitoring and tracking systems. It also develops and monitors systems security policy for the SSA systems organization.

E. The Office of System Integration (S4U) directs and coordinates a comprehensive SSA systems configuration management program. The Office directs the design and development of software improvement projects. It directs SSA's data base administration/management program. It is responsible for a comprehensive software engineering program, and develops and oversees the implementation of related standards, methods and procedures. The Office directs and coordinates the development of Automatic Data Processing (ADP) systems in support of SSA's social insurance and income maintenance programs.

F. The Office of System Operations (S4B) directs, manages and coordinates the planning, acquisition, implementation, operation and maintenance of SSA's computer and telecommunications systems operations. It directs and coordinates the transition, implementation and operation of current/ongoing operating systems software and other operating systems support software. It manages several computer and telecommunications operations complexes, which process SSA's programmatic support, administrative, management information and statistical application systems. It directs and coordinates the activities associated with the planning, management, acquisition, procurement and renewal of ADP equipment, software and technical services to maintain operational systems and to support systems improvement and modernization activities.

##### **1. The Office of Computer Processing Operations (S4BP).**

a. Plans and directs data processing operations in support of social insurance and income maintenance programs, as well as statistical and administrative information systems.

b. Operates SSA's nationwide data communications systems.

c. Manages a complex data processing facility of computers and related equipment which process programmatic and management information data.

d. Designs, develops, implements and



provides operating control systems software and operational standards for SSA's programmatic and management information ADP equipment.

e. Plans, directs and controls the integration, testing and, in conjunction with the Office of System Integration, the Office of System Requirements and the Office of Information Systems, the production release of revised hardware and systems software.

2. The Office of System Support and Planning (S4BL).

a. Plans, directs and provides a variety of ancillary support services related to SSA's data processing facility.

b. Evaluates and monitors computer performance and resource utilization and acts as the Office of System Operations (OSO) focal point for capacity issues.

c. Establishes systems and physical security standards.

d. Coordinates and directs the development of technical workpower, equipment and other costs for the SSA budget process.

e. Develops an ADP Capacity Plan to perform capacity allocation, monitors its usage and determines future requirements.

f. Participates in the development of policies and procedures for the acquisition of ADP computer and telecommunications equipment, software and services.

G. The Office of System Requirements (S4T) directs, develops and coordinates organizational information requirements and functional specifications for new systems and modifications to existing systems in direct support of SSA programs. The Office directs validation of systems operations against user-defined requirements and performance criteria, and approves the resulting system for operational acceptance. It directs the development of procedures and instructions to support user needs in effective implementation of all systems. It develops security standards and ensures implementation of the standards.

#### Chapter S5—Office of the Deputy Commissioner, Policy and External Affairs

S5.00 Mission

S5.10 Organization

S5.20 Functions

*Section S5.00 The Office of the Deputy Commissioner, Policy and External Affairs—(Mission):* The Office of the Deputy Commissioner, Policy and

External Affairs (ODCPEA) directs and manages an external affairs program that effectively promotes and furthers the initiatives of SSA and public understanding of the Social Security programs. Through the Press Office, directs all SSA press activities, and initiates and maintains contacts with members of the working press. Directs the development of information in response to requests from newspapers, radio and television news departments, news and general magazines and the specialized press. Directs the formulation of overall basic policy for SSA.

*Section S5.10 The Office of the Deputy Commissioner, Policy and External Affairs—(Organization):* The Office of the Deputy Commissioner, Policy and External Affairs, under the leadership of the Deputy Commissioner, includes:

A. The Deputy Commissioner, Policy and External Affairs (S5).

B. The Immediate Office of the Deputy Commissioner, Policy and External Affairs (S5A).

C. The Office of Governmental Affairs (S5E).

D. The Office of Policy (S5R).

*Section S5.20 The Office of the Deputy Commissioner, Policy and External Affairs—(Functions):*

A. The Deputy Commissioner, Policy and External Affairs (S5) is directly responsible to the Commissioner for carrying out the ODCPEA mission and providing general supervision to the Offices of Governmental Affairs and Policy.

B. The Immediate Office of the Deputy Commissioner, Policy and External Affairs (S5A) provides the Deputy Commissioner with staff assistance on the full range of his/her responsibilities.

C. The Office of Governmental Affairs (S5E) plans, directs and implements a program designed to develop and preserve working relationships with a wide variety of national organizations, special interest and advocacy groups, the news media, the Congress, other Federal agencies and State and local governments to secure understanding, cooperation and acceptance of SSA programs and to provide avenues of public participation in the decisionmaking processes of SSA. The Office plans, coordinates, implements and evaluates SSA's nationwide public affairs program. The Office develops programs and materials to assure public knowledge and understanding of protections, rights and responsibilities under programs administered by SSA. It provides technical direction to SSA field offices in the management of their public

affairs activities. It publishes a variety of informational material to promote effective information exchange with SSA employees.

D. The Office of Policy (S5R) plans and analyzes programs directly administered by the Agency. It coordinates the development of policies across program lines to ensure consistency in implementation. The Office broadly formulates, issues and interprets programs objectives and policy. It conducts the broad research and statistical program of the Agency. The Office develops, issues and reviews all program regulations for consistency. It also serves as the focal point for international policy matters.

Dated: March 26, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 87-7399 Filed 4-2-87; 8:45 am]

BILLING CODE 4190-11-M

#### Food and Drug Administration

[Docket No. 85D-0242 et al.]

#### Regulations Governing the Review and Approval of New Drug and Antibiotic Applications; Availability of Supplementary Guidelines

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of 12 guidelines to supplement the regulations that govern the review and approval of new drug and antibiotic marketing applications. The guidelines are intended to assist applicants in complying with the requirements of the regulations. The guidelines were prepared by FDA's Center for Drugs and Biologics.

**DATE:** These guidelines go into effect April 3, 1987.

**ADDRESSES:** Until July 2, 1987, requests for copies of the guidelines should be made in writing to the Division of Administrative Management (HFN-60), Center for Drugs and Biologics, Food and Drug Administration, Rm. 13B-21, 5600 Fishers Lane, Rockville, MD 20857. After July 2, 1987, requests should be made in writing to the Legislative, Consumer, and Professional Relations Branch (HFN-365), Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Requests should identify the desired guidelines by their names and docket numbers.

Written comments regarding the guidelines may be submitted to the



Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should identify the guidelines by their title and docket number.

**FOR FURTHER INFORMATION CONTACT:** Steven H. Unger, Center for Drugs and Biologics (HFN-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8049.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of February 22, 1985 (50 FR 7452), FDA revised the regulations governing the approval for marketing of new drugs and antibiotic drugs for human use. This rule, also known as the NDA Rewrite, was intended to: (1) Assist drug manufacturers in preparing and submitting higher quality applications and (2) enable FDA to review applications more efficiently while, at the same time, preserving the high level of public health protection.

In the NDA rewrite regulations, FDA stated its intent to supplement the regulations with detailed guidelines to provide applicants with information on application format and other provisions of the regulations. In this notice, FDA is announcing the availability of 12 of these guidelines.

All of the guidelines that are being made available were previously issued in draft form. Comments received on the drafts were carefully reviewed and considered in the development of the final guidelines. The comments and the guidelines are available for review in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, under the docket numbers listed below for each guideline.

The following 12 guidelines are now being made available:

1. "Guideline for the Format and Content of the Summary for New Drug and Antibiotic Applications" (Docket No. 85D-0247);
2. "Guideline for the Format and Content of the Chemistry, Manufacturing, and Controls Section of an Application" (Docket No. 85D-0243);
3. "Guideline for the Format and Content of the Nonclinical/Pharmacology/Toxicology Section of an Application" (Docket No. 85D-0244);
4. "Guideline for the Format and Content of the Human Pharmacokinetics and Bioavailability Section of an Application" (Docket No. 85D-0275);
5. "Guideline for the Format and Content of the Microbiology Section of an Application" (Docket No. 85D-0245);
6. "Submission in Microfiche of the Archival Copy of an Application" (Docket No. 85D-0250);
7. "Guideline on Formatting, Assembling,

and Submitting New Drug and Antibiotic Applications" (Docket No. 85D-0248);

8. "Guideline for Submitting Documentation for Packaging for Human Drugs and Biologics" (Docket No. 84D-0015);

9. "Guideline for Submitting Documentation for the Stability of Human Drugs and Biologics" (Docket No. 84D-0115);

10. "Guideline for Submitting Samples and Analytic Data for Methods Validation" (Docket No. 84D-0134);

11. "Guideline for Submitting Supporting Documentation in Drug Applications for the Manufacture of Drug Substances" (Docket No. 85D-0108);

12. "Guideline for Submitting Documentation for the Manufacture of and Controls for Drug Products" (Docket No. 85D-0078).

The guidelines on the presentation and format of the application, the first five guidelines listed, suggest appropriate ways to organize and present the required data and information in the application summary and in the technical sections of the application. Soon, FDA will make a guideline available suggesting ways to present information in the clinical and statistical sections of a marketing application. The availability of this guideline will also be announced in a notice to be published in the Federal Register.

The guideline on "Submission in Microfiche of the Archival Copy of an Application" recommends procedures and specifications to be followed when an applicant chooses to submit the archival copy of the marketing application in microfiche.

The "Guideline on Formatting, Assembling, and Submitting New Drug and Antibiotic Applications" provides general information on (1) assembling the archival and review copies of an application, (2) organizing multivolume submissions, and (3) submitting applications and correspondence to appropriate agency offices.

The last five guidelines listed provide detailed recommendations on how to meet the documentation requirements for the chemistry and technical section of an application. These guidelines also address documentation requirements for investigational new drug applications (IND's).

Section 10.90(b) provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline can be assured that his or her conduct will be acceptable to the agency. A person may choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to use an alternate

procedure is encouraged to discuss the matter with the agency in order to prevent an expenditure of money and effort to generate an application that the agency may later determine to be unacceptable.

These guidelines become effective April 3, 1987. Interested persons may submit written comments on the guidelines to the Dockets Management Branch (address above). Comments will be considered in determining whether any future revisions to the guidelines are warranted. Comments should be in two copies except that individuals may submit single copies. All comments should be identified with the title of the guideline and the guideline's docket number. The guidelines and all comments received on them may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 20, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-7069 Filed 4-2-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0081]

#### Ajay Chemicals, Inc.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ajay Chemicals, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of calcium selenite in addition to sodium selenite and sodium selenate as a source of nutritional selenium in animal feeds.

**FOR FURTHER INFORMATION CONTACT:** Woodrow M. Knight, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5362.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2205) has been filed by Ajay Chemicals, Inc., 1400 Industry Rd. P.O. Box 127, Powder Springs, GA 30073-0127. The petition proposes that § 573.920 *Selenium* (21 CFR 573.920) be amended to include the use of calcium selenite in addition to sodium selenite and sodium selenate as a source of nutritional selenium in animal feeds.

The potential environmental impact of this action is being reviewed. If the



agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 30, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-7324 Filed 4-2-87; 8:45 am]

BILLING CODE 4160-01-M

## Health Resources and Services Administration

### Public Health Service; Availability of Funds for Community and Migrant Health Activities

**AGENCY:** Health Resources and Services Administration.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is announcing, for Fiscal Year (FY) 1987: (1) The availability of approximately \$400 million for community health (CH) activities and approximately \$45.4 million for migrant health (MH) activities funded under sections 330 and 329 of the Public Health Service Act (42 U.S.C. 254c and 254b) respectively; (2) within the aforementioned section 330 funding, the availability of: (a) Up to \$15 million, targeted to high need areas, for new starts and new expansion activities; (b) up to \$3 million for grants to provide technical and other non-financial assistance under section 330(f)(1) of the Act, and (c) \$2 million for the development of substance abuse activities and linkages for the provision of substance abuse prevention, treatment, referral and/or followup; (3) in addition to the aforementioned funding, approximately \$17 million in National Health Service Corps (NHSC) funds will be available to support the costs associated with NHSC assignees whose service have been approved as expansions to community and migrant health center staffing (i.e., other than replacements); and (4) the criteria that will be used in evaluating applications in FY 1987.

**DATE:** With the exception of 330(f)(1) applications, continuation funding applications are due 120 days prior to the expiration of the current grant award; applications for new starts, expansions, substance abuse activities, and new and continuation 330(f)(1) awards must be received by June 1, 1987.

### FOR FURTHER INFORMATION CONTACT:

Application kits and additional information may be obtained from, and completed applications should be sent to, the appropriate Regional Health Administrator (see Appendix). For general information about the availability of funds, contact Richard C. Bohrer (telephone: (301) 443-2260).

### SUPPLEMENTARY INFORMATION:

#### Criteria for Evaluating competing and Non-competing CH/MH Continuation Applications

As is the practice every year, compliance with standard criteria stipulated in the regulations (42 CFR Part 51c for CH and Part 56 for MH activities) and the performance of grant recipients in using previously awarded Section 330 and 329 funds will be carefully reviewed in determining whether continued Federal support will be made available. This year's reviews of Community and Migrant Health Centers (CHC/MHC) will emphasize clinical, governance and financial/administrative expectations as set out below:

(a) Clinical (42 CFR 51c.102(c)(1)(i), 51c.303 (a) and (p), 56.303 (a) and (p), 56.603 (a) and (n), and 56.102(g)(1)(i)).—CHCs and MH centers and programs must provide health services so that appropriate services are available and accessible promptly and in a manner which will assure continuity of service to the residents of the center's catchment area. Primary health services must be provided for residents of the catchment area; such services include, but are not limited to, the diagnostic, treatment, and other services rendered by physicians and physician's extenders, perinatal services, and other preventive health services. Centers with systems of managed care (i.e., those which assure: (1) Access to primary, secondary, and tertiary care; (2) coordination and management of each patient's care by a specific provider; and, (3) non-duplicative, cost-effective efforts by all levels of care) will be priorities for funding. In addition, a center must provide appropriate staff, qualified by training and experience, to carry out the activities of the center. In considering which projects to fund, the Secretary will consider whether a center has: (1) A suitable number of full-time providers on staff who provide after hours coverage, have hospital admitting privileges and hospitalize their patients, (2) a clinical or medical director with the authority and responsibility to lead a clinical team that includes appropriate health professionals, and (3) a recruitment and retention strategy.

(b) Governance (42 CFR 51c.304 and 56.304).—Each governing board must represent the population of the catchment area, with center users comprising a majority of membership of the board. Governing boards are expected to be responsive to the communities that they serve, fulfilling all of the functions and responsibilities specified in the legislation and implementing regulations.

(c) Financial/Administrative (42 CFR 51c.303(g), 56.303(r) and (s), and 56.305(a)(3)).—CHCs and MH centers and programs must seek to develop and utilize to the greatest extent possible other Federal, State and local, and private resources, and must seek to maximize non-grant revenues. In considering which projects to fund, the Secretary will consider applicants' plans to secure maximum self sufficiency and minimize dependence upon and need for subsequent CHC and MCH grants. Priority will be given to centers that demonstrate use of combined resources in coordinated health care service delivery.

In order to be funded, grantees will be expected to demonstrate: (1) The need and demand for services to be funded with special attention given to the low birth weight and infant mortality rates in the catchment area; (2) a clinical system consistent with the priorities mentioned above; and, (3) financial and administrative efficiency in the provision of services. In order to be funded eligible grantees (e.g., those with functional quality assurance, financial and administrative systems) will be expected to show that they have the ability and commitment to increase the number of users from their catchment areas.

To determine the level of funding to be awarded, each grantee's entire section 330 and/or 329 financed program will be thoroughly reviewed using a zero-based assessment process. These assessments will be used to ascertain the need for the services and to assure that costs of providing the services and the revenues generated are acceptable. The reviews will incorporate all of the considerations listed in 42 CFR 51c.305 for CH grantees and 42 CFR 56.305 or 56.604, as appropriate, for MH grantees, analyzing: (1) The population to be served; (2) the services to be provided; and (3) the first and third party revenues which can be expected to be generated in that community and State for the services provided.



### Criteria for Evaluating New and Expansion CH/MH Applications

Applications for funding of "new starts" for CHCs and MH centers and programs will be evaluated in accordance with the criteria set forth in 42 CFR 51c.305 for CH and §§ 56.305 and 56.604 for MH activities. Emphasis during grant evaluation will be placed on the extent to which the need for health services will be addressed, particularly for areas in need of improved perinatal systems. It should be noted that migrant health "centers and programs" have different requirements under the authorizing legislation and the regulations: Migrant health centers must offer a full range of specified primary and supplemental services and serve a high impact area (section 329(d)(1)(A) of the PHS Act and 42 CFR Part 56, Subpart (C); migrant health "programs" may be funded in areas where there is no migrant health center and in which not more than 4,000 migratory agricultural workers and their families reside for more than two months, with a more limited range of services required than offered by migrant health centers (section 329)(1)(B) of the PHS Act and 42 CFR Part 56, Subpart F).

Proposals for the expansion of activities of existing grantees may include, but are not limited to, the establishment of satellite clinics, the expansion of service capacity, and related activities directed toward the expansion and the improvement of the delivery of services, such as improved financial management, planning, marketing, outreach activities, and perinatal systems. Expansion dollars will fund specific investments in capital, prepaid or other activities that are both significant components of strategic plans and mutual Bureau of Health Care Delivery and Assistance, State, local and/or grantee priorities. The extent to which applicants for expansion funds have or plan to develop cooperative linkages and arrangements with other health care organizations, such as through rural consortia and urban networks, will be considered as applications are reviewed. See 42 CFR 51c.305(i) and (j), 56.305(a)(6) and (7) and 56.604(a)(2)(iii) and (iv).

### Criteria for Evaluating Applications to Provide Technical and Other Non-financial Assistance under Section 330(f)(1)

A full explanation of the basis of which applications will be reviewed is included in the *Federal Register* Notice, Volume 50, Number 130, Monday, July 8, 1985, page 27851. In addition, the performance of grant recipients in using

previously awarded section 330(f)(1) funds will be considered in determining whether Federal support will be made available to continuation applicants.

### Criteria for Evaluating Requests for Funding of Substance Abuse Activities

Substance abuse funding is to be awarded to CHC/MHC grantees to develop activities and linkages with the State alcohol and drug agency and local substance abuse programs for the provision of services to high risk CHC/MHC patients. Awards are expected to range from \$25,000 to \$50,000. The funds are not to be used to supplant existing substance abuse resources but should be used to develop new or expanded services.

### Eligibility for these funds requires meeting one of the following criteria

(1) CHCs/MHCs located in high need areas which are not currently providing adequate substance abuse services either directly or through linkages with local substance abuse programs. These centers must have well established primary care systems and be in compliance with administrative, governance and clinical requirements.

(2) State or Regional primary care associations which demonstrate their ability to plan, develop, and implement a substance abuse program in a high need area(s) in collaboration with local CHCs/MHCs and other public and private substance abuse programs.

Eligibility for entities to receive funds under this category is based on the provisions of section 330(f)(1) of the PHS Act, authorizing awards to entities which will provide a broad range of technical assistance to CHCs/MHCs. A full explanation of the basis on which applications will be reviewed is included in the *Federal Register* Notice, Volume 50, July 8, 1985, page 27851.

The substance abuse funds will be used to support programs that provide the following types of services: patient and community education; in-service staff training; early detection of high risk clients; and, referral and followup to treatment. (Due to funding limitations, most treatment services will be provided by referral instead of direct support under this initiative.) Critical elements of the activities are: (1) Linkage(s) with State alcohol and drug agency and local substance abuse resources; (2) how the program services are to be organized and administered by an appropriately trained professional whose primary time is dedicated to the effort; and, (3) the specific services that will be provided. Also, applicants must include letter(s) of commitment from all proposed parties.

Applicants are urged to consult with their regional program consultant and State alcohol and drug agency in developing their applications.

### Executive Order 12372

All grants to be awarded under this notice are subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available by DHHS (standard DHHS Form No. 424) will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for that review. Applicants are to contact their State single point of contact and follow their instructions for the review of applications.

In the *OMB Catalog of Federal Domestic Assistance*, the Community Health Center program is listed as Number 13.224; the Migrant Health Center program is Number 13.246; and the Technical and Other Non-financial Assistance to Community Health Centers is Number 13.129.

Dated: March 30, 1987.

David N. Sundwall, M.D.,  
Administrator.

### Appendix: (RHA's)

#### Regional Health Administrators

- Edward J. Montminy, Regional Health Administrator, DHHS-Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 565-1426
- Vivian Chang, M.D., Regional Health Administrator, DHHS Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2560
- William Lassek, M.D., Regional Health Administrator, DHHS Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637
- John Whitney, Acting Regional Health Administrator, DHHS Region IV, 101 Marietta Tower, Suite, 1202, Atlanta, Georgia 30323, (404) 221-2316
- E. Frank Ellis, M.D. Regional Health Administrator, DHHS Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385
- John M. Dyer, M.D., Regional Health Administrator, DHHS Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 767-3879
- Mr. Youn Bock Rhee, Regional Health Administrator, DHHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291
- Audrey H. Nora, M.D., Regional Health Administrator, DHHS Region VIII, 1961 Stout Street, Denver, Colorado 80294, (303) 833-6163



Sheridan L. Weinstein, M.D., Regional Health Administrator, DHHS Region IX, 50 United Nations Plaza, San Francisco, California 34102, (415) 556-5810

Ms Dorothy H. Mann, Regional Health Administrator, DHHS Region X 2901 Third Avenue, Mail Stop 405, Seattle, Washington 98121, (206) 442-0430

[FR Doc. 87-7395 Filed 4-2-87; 8:45 am]

BILLING CODE 4160-15-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-930-07-4332-09; FES 87-14]

#### Availability of Final Environmental Impact Statement; Clark County Wilderness, Las Vegas District, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of final environmental impact statement (EIS) on the wilderness recommendations for Clark County, Las Vegas District, Nevada.

**SUMMARY:** This EIS assesses the environmental consequences of managing seven Wilderness Study Areas (WSAs) as wilderness or nonwilderness. The alternatives analyzed included: (1) A No Wilderness/No Action alternative for each WSA, (2) an All Wilderness alternative for each WSA, and (3) a Partial Wilderness alternative for each WSA.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

WSA	Acreage suitable	Acreage non-suitable
Arrow Canyon Range WSA.....	0	32,853
Muddy Mountains WSA.....	36,850	59,320
Mt. Sterling WSA.....	40,275	29,375
LaMadre Mountains WSA.....	<sup>1</sup> 34,010	22,957
Pine Creek WSA.....	<sup>2</sup> 22,652	1,966
North McCullough Mtns WSA.....	0	47,166
South McCullough Mtns WSA.....	19,558	37,065
Total.....	153,345	230,702

<sup>1</sup> Includes 285 acres of U.S. Forest Service lands added to the original WSA for wilderness study.

<sup>2</sup> Includes 618 acres of BLM lands outside the original WSA boundary.

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the

Interior to the President and from the President to the Congress. The final decision on wilderness designation rests with Congress. In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.10B(2).

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of the EIS may be obtained from the Area Manager, State Line Resource Area, P.O. Box 26569, Las Vegas, NV 89126, or call (702) 388-6627. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th & C Street NW., Washington, DC 20240  
Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520  
Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, P.O. Box 26569, Las Vegas, NV 89129.

**FOR FURTHER INFORMATION CONTACT:** Stephen A. Mellington, EIS Team Leader, at 4765 W. Vegas Drive or Las Vegas District, P.O. Box 26569, Las Vegas, NV 89126.

Dated: March 26, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87-7158 Filed 4-2-87; 8:45 am]

BILLING CODE 4310-HC-M

## Minerals Management Service

### Outer Continental Shelf Advisory Board—Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. App. 1, and the Office of Management and Budget's Circular No. A-63, Revised. The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet during the period 8 a.m. to 5:15 p.m., May 6, 1987, and 8 a.m. to 5 p.m., May 7, 1987, at the Sheraton Palace Hotel in San Francisco, California (415-392-8600).

The meeting will cover the following principal subjects:

May 6

- National Energy Policy
- Averting Future Energy Crises
- Restrictions on Export of Alaskan Crude
- Leasing in the Arctic National Wildlife Refuge
- 5-Year OCS Oil and Gas Leasing

## Program

May 7

- Marine Mining: Status Report
- Regulatory and Industry Efforts to Control Waste Disposal From Platforms Into the Ocean
- Update on California OCS Activities

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the Committee. Such request should be made no later than April 15, 1987, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th & C Streets, NW., Room 4230, Washington, DC 20240.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information, contact the Executive Secretary, John B. Rigg, at 202-343-3530.

Minutes of the meeting will be available for public inspection and copying at the Minerals Management Service, Department of the Interior, 18th & C Streets, NW., Room 4230, Washington, DC 20240.

Dated: March 31, 1987.

Carolita Kallaur,

Deputy Associate Director for Offshore Minerals Management.

[FR Doc. 87-7438 Filed 4-2-87; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### Appalachian National Scenic Trail Advisory Council; Cancellation of Meeting

The meeting of the Appalachian National Scenic Trail Advisory Council planned for April 10 (52 FR 9550; March 25, 1987) in Harpers Ferry, West Virginia, has been cancelled. A new meeting date will be announced at least 15 days in advance of the meeting.

Dated: March 27, 1987.

David A. Richie,

Project Manager.

[FR Doc. 87-7321 Filed 4-2-87; 8:45 am]

BILLING CODE 4310-70-M

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30142 (Sub-No. 3)]

### Southern Railway Company and Virginia and Southwestern Railway Co. Exemption; Extension of Lease

Southern Railway Company (SRC) has leased and operated the properties of its wholly owned subsidiary, Virginia and



Southwestern Railway Company (VSW), consisting of approximately 100 miles of railroad line in Tennessee and Virginia, by virtue of a 1958 lease, two 1-year extensions previously granted by the Commission, and one 2-year extension previously granted by the Commission. The last extension expired by its terms on March 14, 1987.<sup>1</sup> The two railroads are continuing to consider a merger, and have agreed to a 2-year extension of the lease (until March 14, 1989). SRC and VSW filed, on March 6, 1987, a notice of exemption, under 49 CFR 1180.2(d)(3) and (4), for the 2-year extension.<sup>2</sup>

This transaction falls within the class of transactions that are exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(3), which exempts transactions within a corporate family that do not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. See also 49 CFR 1180.2(d)(4), which exempts renewal of leases and any other matters where the Commission has previously authorized the transaction and only an extension in time is involved.

As a condition to the use of this exemption, any rail employees affected by this transaction shall continue to be protected pursuant to *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980).

Decided: March 27, 1987.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.

Noreta R. McGee,  
Secretary.

[FR Doc. 87-7423 Filed 4-2-87; 8:45 am]

BILLING CODE 7035-01-M

<sup>1</sup> See Finance Docket No. 30142 (Sub-No. 2), *Southern Railway Company and Virginia and Southwestern Railway Company—Exemption—Extension of Lease* (not printed), served March 19, 1985.

<sup>2</sup> At the time of the issuance of the notice of exemption in Finance Docket No. 30142 (Sub-No. 2), *supra*, served March 19, 1985, and for about 18 months thereafter, all of VSW's properties were operated by SRC. However, pursuant to a notice of exemption served September 5, 1986, a portion of VSW's properties are now operated by a third affiliated railroad, Norfolk and Western Railway Company (NW). NW, like SRC, is controlled by Norfolk Southern Corporation, a holding company. The VSW properties now operated by NW are VSW's St. Charles Branch between Appalachia (MP O.OT, MP 1.7T) and St. Charles (MP 23.0TB), including all related branches, and that portion of VSW's Appalachia-Big Stone Gap line between MP O.OT and MP 3.36T necessary for NW to serve the St. Charles Branch and the coal transloader at Appalachia, VA. See Finance Docket No. 30874, *Norfolk and Western Railway Company—Operation Exemption—Interstate Railroad Company and Virginia and Southwestern Railway Company* (not printed), served September 5, 1986.

[Finance Docket No. 30998]

### Stone Container Corp.; Control Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts Stone Container Corporation (Stone) from the requirements of 49 U.S.C. 11343 for the acquisition by Stone of control of Southwest Forest Industries, Inc. (Southwest), a corporate entity holding motor carrier authority, and in turn of Atlanta & St. Andrews Bay Railway Company and the Apache Railway Company, both subsidiaries of Southwest, subject to employee protective conditions.

DATES: This exemption will be effective on April 13, 1987. Petitions to reopen must be filed by April 23, 1987.

ADDRESSES: Send petitions referring to Finance Docket No. 30998 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Ronald S. Flagg, 1722 Eye Street, NW., Washington, DC 20006

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-72445.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: March 30, 1987.

By the Commission, Chairman Gradison,  
Vice Chairman Lamboley, Commissioners  
Sterrett, Andre, and Simmons.

Noreta R. McGee,  
Secretary.

[FR Doc. 87-17424 Filed 4-2-87; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Attorney General

#### Certification of the Attorney General, Victoria County, TX

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fourteenth and Fifteenth Amendments to the

Constitution of the United States in Victoria County, Texas. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on September 18, 1975, under Section 4(b) of the Voting Rights Act of 1965 and published in the *Federal Register* on September 23, 1975 (40 FR 43746).

Edwin Meese III,

Attorney General of the United States.

March 31, 1987.

[FR Doc. 87-7519 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-01-M

## Drug Enforcement Administration

### Importation of Controlled Substances; Application; Mallinckrodt, Inc.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 14, 1987, Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600).....	II
Opium plant form (9650).....	II
Concentrate of poppy straw (9670).....	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register



Representative (Room 1112), and must be filed no later than May 4, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(i), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: March 26, 1987.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 87-7373 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Importation of Controlled Substances; Application; McNeilab, Inc.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 21, 1987, McNeilab, Inc., DBA First State Chemical Company Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600).....	II
Concentrate of poppy straw (9670).....	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in

accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 4, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: March 26, 1987.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 87-7374 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Importation of Controlled Substances; Application; Penick Corp.

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 15, 1987, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600).....	II
Opium plant form (9650).....	II
Concentrate of poppy straw (9670).....	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 4, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: March 26, 1987.

Gene R. Haislip,

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 87-7375 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances; Application; McNeilab, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 21, 1987, McNeilab, Inc., DBA First State Chemical Company Inc., 803 East Fourth Street, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050).....	II
Dihydrocodeine (9120).....	II
Oxycodone (9143).....	II
Hydrocodone (9193).....	II
Morphine (9300).....	II
Thebaine (9333).....	II



Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 4, 1987.

Dated: March 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-7376 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances; Application; Penick Corp.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 12, 1987, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Pholcodine (9314).....	I
Alphacetylmethadol (9603).....	I
Codeine (9050).....	II
Dihydrocodeine (9120).....	II
Oxycodone (9143).....	II
Diphenoxylate (9170).....	II
Ethylmorphine (9190).....	II
Hydrocodone (9193).....	II
Pethidine (meperidine) (9230).....	II
Methadone (9250).....	II
Methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane (9254).....	II
Morphine (9300).....	II
Thebaine (9333).....	II
Opium extracts (9610).....	II
Opium fluid (9620).....	II
Tincture of opium (9630).....	II
Powdered opium (9639).....	II
Granulated opium (9640).....	II
Mixed alkaloids of opium (9648).....	II
Concentrate of poppy straw (9670).....	II
Phenazocine (9715).....	II
Fentanyl (9801).....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21

CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 4, 1987.

Dated: March 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-7377 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances; Application; Stepan Chemical Co.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 12, 1987, Stepan Chemical Company, Natural Products, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041).....	II
Ecgonine (9180).....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 4, 1987.

Dated: March 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-7378 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacturer of Controlled Substances; Registration; Upjohn Co.

By Notice dated January 28, 1987, and published in the Federal Register on February 5, 1987; (52 FR 3719), Upjohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
2,5-dimethoxyamphetamine (7396).....	I
Methamphetamine, its salts, isomers and salts of its isomers (1105).....	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: March 26, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-7379 Filed 4-2-87; 8:45 am]

BILLING CODE 4410-09-M

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

[TA-W-18,448, et al.]

#### Dana Corp., Spicer Axle Division, New Castle, IN; Dismissals of Applications for Reconsideration

Pursuant to 29 CFR 90.18 applications for administrative reconsideration were filed with the Director of the Office of Trade Adjustment Assistance for workers at the Dana Corporation, Spicer Axle Division, New Castle, Indiana; I.R.I. International, Pampa, Texas; Essex Shoe Trimming Company, Haverhill, Massachusetts indicated that the applications contained no new substantial information which would bear importantly on the Department's determinations. Therefore dismissals of the applications were issued.

TA-W-18,448; Dana Corporation, Spicer Axle Division, New Castle, Indiana (March 24, 1987)

TA-W-18,815; I.R.I. International, Pampa, Texas (March 20, 1987)



TA-W-18,538: Essex Shoe Trimming Company, Haverhill, Massachusetts (March 20, 1987).

Signed at Washington, DC this 26th day of March 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-7327 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-18,197 et al.]

**Emerald Mines Corp.; Waynesburg, PA; Dismissals of Applications for Reconsideration**

Pursuant to 29 CFR 90.18 applications for administrative reconsideration were filed with the Director of the Office of Trade Adjustment Assistance for workers at the Emerald Mines Corporation, Waynesburg, Pennsylvania; Emerald Services, Incorporated, Titusville, Pennsylvania; Charles E. Mayfield Company, Princeton, Louisiana indicated that the applications contained no new substantial information which would bear importantly on the Department's determinations. Therefore dismissals of the applications were issued.

TA-W-18,197; Emerald Mines Corporation, Waynesburg,

Pennsylvania (March 24, 1987)

TA-W-18,962; Emerald Services, Incorporated, Titusville, Pennsylvania (March 24, 1987)

TA-W-18,821; Charles E. Mayfield Company, Princeton, Louisiana (March 24, 1987).

Signed at Washington, DC this 26th day of March 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-7330 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-18,503]

**Tenneco Oil Co.; Exploration and Production Division, Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

TA-W-18,503A San Antonio, Texas

TA-W-18,503B Bakersfield, California

TA-W-18,503C Englewood, Colorado

TA-W-18,503D Oklahoma City, Oklahoma

TA-W-18,503E Lafayette, Louisiana

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 23, 1986

applicable to all workers of Tenneco Oil Company, Exploration and Production Division, Headquartered in Houston, Texas. The certification notice was published in the **Federal Register** on January 21, 1987 (52 FR 2306).

Based on new information furnished to the Department, the certification notice is amended to properly reflect the correct worker group. All workers at Tenneco Oil Company's Exploration and Production Division man and operate properties in ten to fifteen states but report to Tenneco Oil Company's offices in the above mentioned five states.

The intent of the certification is to cover all workers of the Exploration and Production Division of the Tenneco Oil Company. The amended notice applicable to TA-W-18,503 is hereby issued as follows:

"All workers of Tenneco Oil Company, Exploration and Production Division, Houston, Texas; San Antonio, Texas; Bakersfield, California; Englewood, Colorado; Oklahoma City, Oklahoma and Lafayette, Louisiana who became totally or partially separated from employment on or after October 13, 1985 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 23rd day of March 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-7329 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,222]

**Geissler Knitting Mills, Inc.; Hazleton, PA; Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 3, 1987 in response to a worker petition received on March 2, 1987 which was filed on behalf of workers at Geissler Knitting Mills, Incorporated, Hazleton, Pennsylvania. The workers produce sweatshirts, sweatpants, t-shirts and tanktops.

The petitioners have requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 25th day of March 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-7328 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

**Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Idaho**

This notice announces the beginning of a new Extended Benefit Period in Idaho, effective on March 15, 1987, and remaining in effect for at least 13 weeks after that date.

**Background**

The Federal-State extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Each State unemployment compensation law provides that there is a State "on" indicator (triggering on an Extended Benefit Period) for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in the State equaled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator in the State. A benefit period will be in effect for a minimum of 13 weeks, and will end the third week after there is an "off" indicator.

**Determination of an "on" Indicator**

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the 13-week period ending on February 28, 1987, equals or exceeds 6 percent, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 15, 1987. This period will continue for no less than 13 weeks, and until three weeks after a week in which there is an "off" indicator in the State.



**Information for Claimants**

The duration of extended benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on March 27, 1987.

**Roberts T. Jones,**

*Deputy Assistant Secretary of Labor.*

[FR Doc. 87-7405 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

### **Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of Louisiana**

This notice announces the ending of the Extended Benefit Period in the State of Louisiana, effective on March 14, 1987.

**Background**

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of

Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period, individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Louisiana on May 18, 1986, and has now triggered off.

**Determination of an "off" Indicator**

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State for the period consisting of the week ending on February 21, 1987, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in the State.

Therefore, the Extended Benefit Period in the State terminated with the week ending March 14, 1987.

**Information for Claimants**

The State employment security agency will finish a written notice to each individual who is filing claims for Extended Benefits of the ending of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3)

Persons who wish information about their rights to Extended Benefits in the State named above should contact the nearest State employment service office in their locality.

Signed at Washington, DC, on March 27, 1987.

**Roberts T. Jones,**

*Deputy Assistant Secretary of Labor.*

[FR Doc. 87-7404 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

### **Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Wyoming**

This notice announces the beginning of a new Extended Benefit Period in Wyoming, effective on March 15, 1987, and remaining in effect for at least 13 weeks after that date.

**Background**

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Each State unemployment compensation law provides that there is a State "on" indicator (triggering on an Extended Benefit Period) for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in the State equal or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator in the State. A benefit period will be in effect for a minimum of 13 weeks, and will end the third week after there is an "off" indicator.

**Determination of an "on" Indicator**

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the 13-week period ending on February 28, 1987, equals or exceeds 5 percent and is 20 percent higher than the corresponding 13 week period in the prior two years, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 15, 1987. This period will continue for no less than 13 weeks, and until three weeks after a



week in which there is an "off" indicator in the State.

#### Information for Claimants

The duration of extended benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on March 27, 1987.

Roberts T. Jones,

Deputy Assistant Secretary of Labor.

[FR Doc. 87-7407 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-30-M

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Aluminum Co. of Amer. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 13, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 13, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC, 20313.

Signed at Washington, DC this 23rd day of March 1987.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

#### APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Aluminum Co. of Amer. (USWA)	Alcoa, TN	3/23/87	3/16/87	19,362	Alum. ingots flat.
Amer. Steel Foundries (USWA)	Alliance, OH	3/23/87	3/10/87	19,363	Railroad car components.
BWAB Inc. (Workers)	Denver, CO	3/23/87	3/13/87	19,364	Oil services.
Becton, Dickinson, P/R (Workers)	Juncos, PR	3/23/87	3/10/87	19,365	Clinical thermometers.
C&K Coal Co. (Workers)	Clarion, PA	3/23/87	3/13/87	19,366	Bituminous coal.
Cabot Oil & Gas Corp. (Workers)	Charleston, WV	3/23/87	3/11/87	19,367	Oil and gas.
Calvert Mfg. Co. (UGW)	Seattle, WA	3/23/87	3/4/87	19,368	Outerwear, skiwear.
Champion Petroleum (CO)	Denver, CO	3/23/87	3/2/87	19,369	Crude oil.
Colonial Mfg. Co. (Workers)	Roseland, NJ	3/23/87	3/9/87	19,370	Security screens.
Consolid. Alum. Corp. (ABGWU)	Waverly, TN	3/23/87	3/9/87	19,371	Aluminum products.
Continental Can Co. (Workers)	Weslaco, TX	3/23/87	3/5/87	19,372	Metal cans.
Endicott Johnson (Workers)	Tunkhannock, PA	3/23/87	3/11/87	19,373	Athletic shoes.
G.R. Mfg. (UAW)	Grand Rapids, MI	3/23/87	3/17/87	19,374	Electric ranges.
Gearhart Indust. Inc. (Workers)	Midland, TX	3/23/87	3/10/87	19,375	Oil services.
Gilbert Develop. Corp. (Workers)	Cedar Cy, UT	3/23/87	3/3/87	19,376	Iron oil.
Hercules O/S Drill. (Workers)	Houston, TX	3/23/87	2/10/87	19,377	Oil drilling.
Honeywell, Inc. (IUE)	Fort Wash., PA	3/23/87	3/9/87	19,378	Micro processors.
Hyatt Clark, Indust. (UAW)	Clark, NJ	3/23/87	3/11/87	19,379	Tapered roller.
Ingersoll-Rand, Co. (CO)	Phillipsburg, NJ	3/23/87	3/11/87	19,380	Turbine compressors.
J.D. Cain Co. (Workers)	Denver, CO	3/23/87	3/12/87	19,381	Oil services.
J.Q. Russell Elec. Inc. (Workers)	Skellytown, TX	3/23/87	3/14/87	19,382	Service operation.
Johnson Iron (CO)	Charlotte, MI	3/23/87	2/28/87	19,383	Counter-wght for L/Tks.
KWB Oil Property Mgt. (CO)	Tulsa, OK	3/23/87	3/16/87	19,384	Headquarter.
KWB Oil Property Mgt. (CO)	Denver, CO	3/23/87	3/16/87	19,385	Office.
KWB Oil Property Mgt. (CO)	Seminole, OK	3/23/87	3/16/87	19,386	Office.
KWB Oil Property Mgt. (CO)	Park Centralia, IL	3/23/87	3/16/87	19,387	Office.
Kitt Energy Corp. (Workers)	Meadow Lands, PA	3/23/87	3/4/87	19,388	Coal.
Kitt Energy Corp. (Workers)	Frederick, PA	3/23/87	3/4/87	19,389	Coal.
Kitt Energy Corp. (Workers)	Verona, PA	3/23/87	3/4/87	19,390	Coal.
Kitt Energy Corp. (Workers)	Russellton, PA	3/23/87	3/4/87	19,391	Coal.
Leesburgs Mfg. Co. (ACTWU)	Leesburg, FL	3/23/87	3/10/87	19,392	Ladies sportswear.
Liquid Energy Corp. Mitchell Energy CO 2 Plant (CO)	Bridgeport, TX	3/23/87	3/13/87	19,393	CO 2 plant.
Liquid Energy Corp. Refinery (CO)	Bridgeport, TX	3/23/87	3/13/87	19,394	Refinery.
Lochiel Explor. Inc. (Workers)	Denver, CO	3/23/87	3/6/87	19,395	Oil and gas.
Midcon Central Exp. (Workers)	Denver, CO	3/23/87	2/27/87	19,396	Oil and gas.
Moxness Products, Inc. (IAMAW)	Racine, WI	3/23/87	3/10/87	19,397	Silicon rubber prod.
NATCO, Inc. (IAM)	Richmond, IN	3/23/87	3/4/87	19,398	Machine tools.
Navistar, Int'l. (Workers)	Indianapolis, IN	3/23/87	2/24/87	19,399	Cashing diesel engines.
Pioneer Hi-Bred, Int. (Workers)	Tipton, IN	3/23/87	3/12/87	19,400	Parent seed corn.
Portage Casting & Mold (IAM)	E/Longmeadow, MA	3/23/87	3/12/87	19,401	Alum. cast mold.
RCA/Aniola (Workers)	Indianapolis, IN	3/23/87	3/11/87	19,402	Black vinyl records.
RCA Consumer Elec. (IBEW)	Bloomington, IN	3/23/87	3/13/87	19,403	Color TV's.
Remington Arms Co. (Workers)	Lonoke, AR	3/23/87	3/12/87	19,404	Sporting ammunition.
Resistoflex (U.T.W.A.)	Roseland, NJ	3/23/87	3/11/87	19,405	Thermoplastic pipes.
Ross Garment (ILGWU)	Hagerstown, MD	3/23/87	2/11/87	19,406	Dresses.



## APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Schaper Mfg. Cedar (U.A.W.)	Lakeville, MN	3/23/87	3/10/87	19,407	Toys and games.
Schaper Mfg. Grenada (U.A.W.)	Lakeville, MN	3/23/87	3/10/87	19,408	Toys and games.
Schaper Mfg. (U.A.W.)	Plymouth, MN	3/23/87	3/10/87	19,409	Toys and games.
Silversprings S/Wear (ACTWU)	Ocala, FL	3/23/87	3/10/87	19,410	Ladies' sportswear.
Smith Valve Corp. (Workers)	Westboro, MA	3/23/87	2/26/87	19,411	Valves.
TRW-CARR Knoxville (O.C.A.W.)	Knoxville, TN	3/23/87	2/18/87	19,412	Elect. mech. relays.
Udpike Brothers, Inc. (Workers)	Sidney, MT	3/23/87	3/13/87	19,413	Oil services.
Vikron, Inc. (Workers)	St. Croix Falls, WI	3/23/87	3/14/87	19,414	Tape recorder heads.
W/V Glass Specialty Co. (Workers)	Weston, WV	3/23/87	3/10/87	19,415	Glassware, gift and tableware.
W/V Plastics, Inc. (USWA)	Grafton, WV	3/23/87	3/4/87	19,416	Infant items.
Walshall Consult., Corp. (Workers)	Midland, TX	3/23/87	3/13/87	19,417	Well Site serv. co.
Wyman-Gordon Co. (CO)	Danville, IL	3/23/87	3/11/87	19,418	Forge parts for diesel E/C.

[FR Doc. 87-7326 Filed 4-1-87; 8:45 am]

BILLING CODE 4510-BO-M

### Employment Standards Administration, Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts I and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of

Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

#### Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

#### Volume I:

Massachusetts:	
MA87-1 (Jan. 2, 1987)	p.373.
MA87-2 (Jan. 2, 1987)	p.388.
MA87-3 (Jan. 2, 1987)	pp.402,406.
New York:	
NY87-2 (Jan. 2, 1987)	pp.686-687, pp.689-702.
NY87-3 (Jan. 2, 1987)	pp.704-706.
NY87-4 (Jan. 2, 1987)	pp.716-717.
NY87-5 (Jan. 2, 1987)	p.720.
NY87-6 (Jan. 2, 1987)	p.728.
NY87-7 (Jan. 2, 1987)	pp.738-754.
NY87-8 (Jan. 2, 1987)	pp.756-760.
NY87-9 (Jan. 2, 1987)	p.768.
NY87-10 (Jan. 2, 1987)	pp.770,772.
NY87-11 (Jan. 2, 1987)	p.784.
NY87-12 (Jan. 2, 1987)	pp.790-797.
NY87-13 (Jan. 2, 1987)	pp.800-801, p.803.
NY87-14 (Jan. 2, 1987)	pp.808-809.
NY87-15 (Jan. 2, 1987)	pp.812,814.
NY87-16 (Jan. 2, 1987)	p.818.
NY87-18 (Jan. 2, 1987)	pp.834-836.

#### Volume II:

Iowa: IA87-5 (Jan. 2, 1987)	p.42.
Illinois:	
IL87-2 (Jan. 2, 1987)	p.100.
IL87-9 (Jan. 2, 1987)	p.148.
IL87-11 (Jan. 2, 1987)	pp.158-159.
IL87-13 (Jan. 2, 1987)	p.175.
IL87-16 (Jan. 2, 1987)	p.206.
Indiana: IN87-6 (Jan. 2, 1987)	p.306, pp.317-318.
Texas:	
TX87-10 (Jan. 2, 1987)	pp.946-947.
TX87-15 (Jan. 2, 1987)	pp.958-959.
Wisconsin: WI87-8 (Jan. 2, 1987)	p.1105.



## Volume III:

## California:

CA87-1 (Jan. 2, 1987)..... pp.36-39.  
 CA87-4 (Jan. 2, 1987)..... pp.68-100b.

Washington: WA87-1 (Jan. 2, 1987), p.333.

### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 27th day of March 1987

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87-7211 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-27-M

### Mine Safety and Health Administration

[Docket No. M-87-40-C]

### Petition for Modification of Application of Mandatory Safety Standard; Mid-Continent Resources, Inc.

Mid-Continent Resources, Inc., 1058 Road 100, P.O. Box 158, Carbondale, Colorado 81623 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (quantity and location of firefighting equipment) to its Dutch Creek No. 1 Mine, and its Rock Tunnels Project (I.D. No. 05-00301) located in Pitkin County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that in all coal mines, waterlines shall be installed parallel to the entire length of belt conveyors and

shall be equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces. At least 500 feet of firehose with fittings suitable for connection with each belt conveyor waterline system shall be stored at strategic locations along the belt conveyor. Waterlines may be installed in entries adjacent to the conveyor entry belt as long as the outlets project into the belt conveyor entry.

2. As an alternate method, petitioner requests a modification of the standard to permit the spacing of RTP firehose outlets with valves to correspond to actual, as-built crosscut spacing, both greater than and less than 300-foot intervals, and not by a fixed footage interval. To permit the adjustment of stored firehose footages at designated locations to a quantity at each such location sufficient to reach one-half the distance to the next adjacent (both inby and outby) hose storage location.

3. In further support of this request, petitioner states that:

(a) The RTP is developed through shale and sandstone formations underlying the coal formations in Coal Basin. Other than the locations of coal seam interception, the roof, ribs and floor of the RTP are either the natural shale or sandstone formations. The raw coal which will be hauled on the RTP northadit beltline is less susceptible to spontaneous combustion than more typical bituminous coal;

(b) A sign will be posted at the location of each firehose storage location; and

(c) All persons performing examinations, service or repair work in the RTP will be specifically instructed as to the location and identification of all RTP firehose outlets and the locations and available footage of firehoses.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

### Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 4, 1987. Copies of the petition are available for inspection at that address.

Dated: March 24, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-7331 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-51-C]

### Petition for Modification of Application of Mandatory Safety Standard; Minton Hickory Coal Co.

Minton Hickory Coal Company, P.O. Box 922, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-15550) and its Mine No. 2 (I.D. No. 15-15789) both located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of continuous methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and



will not resume until the methane level is lower than one percent;

(d) A spare continuous miner will be available to assure that all coal hauling tractors will be equipped with a continuous miner;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

#### Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 4, 1987. Copies of the petition are available for inspection at that address.

Dated: March 24, 1987.

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-7332 Filed 4-2-87; 8:45 am]

BILLING CODE 4510-43-M

#### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

##### Agency Information Collection Activities Under OMB Review

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATE:** Comments on this information collection must be submitted on or before May 4, 1987.

**ADDRESSES:** Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202) 786-0233 and Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson

Place, NW., Room 3208, Washington, DC 20503 (202) 395-7316.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Service Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202) 786-0233 from whom copies of forms and supporting documents are available.

**SUPPLEMENTARY INFORMATION:** All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

#### Category Extension

Title: Guidelines and Application Instructions, Younger Scholars Form Number: 3136-0090

Frequency of Collection: Collection occurs once yearly, according to individual program application deadline.

Respondents: High school and college students

Use: Application, evaluation, and award process for participants in the Younger Scholars program.

Estimated Number of Respondents: 658

Estimated Hours for Respondents to Provide Information: 3,026

Susan Metts,

*Assistant Chairman for Administration.*

[FR Doc. 87-7325 Filed 4-2-87; 8:45 am]

BILLING CODE 7536-01-M

#### Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Dance/Music/Combination Section) to the National Council on the Arts will be held on April 22-24, 1987, from 9:00 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on April 22, 1987, from 9:15 a.m.-10:30 a.m. and on April 24, 1987 from 2:00 p.m.-5:30 p.m. on a space available basis for a discussion of general program overview and policy issues.

The remaining sessions of this meeting on April 22, 1987, from 10:30 a.m.-5:30 p.m., on April 23, 1987, from 9:00 a.m.-5:30 p.m. and on April 24, 1987 from 9:00 a.m.-1:00 p.m. are for the purpose of application review. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contract the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

John H. Clark,

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

March 27, 1987.

[FR Doc. 87-7370 Filed 4-2-87; 8:45 am]

BILLING CODE 7537-01-M

#### Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Prescreening Section) to the National Council on the Arts will be held on April 25-26, 1987, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National



Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**John H. Clark,**

*Director, Council and Panel Operations,  
National Endowment for the Arts.*

March 27, 1987.

[FR Doc. 87-7369 Filed 4-2-87; 8:45 am]

BILLING CODE 7537-01-M

#### Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Challenge Section) to the National Council on the Arts will be held on April 22-23, 1987, from 9:00 a.m.-5:30 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**John H. Clark,**

*Director, Council and Panel Operations,  
National Endowment for the Arts.*

March 27, 1987.

[FR Doc. 87-7445 Filed 4-2-87; 8:45 am]

BILLING CODE 7537-01-M

#### Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Prescreening Section) to the National Council on the Arts will be held on April 13-14, 1987, from 9:00 a.m.-5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for

financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**John H. Clark,**

*Director, Council and Panel Operations,  
National Endowment for the Arts.*

March 27, 1987.

[FR Doc. 87-7444 Filed 4-2-87; 8:45 am]

BILLING CODE 7537-01-M

#### NUCLEAR REGULATORY COMMISSION

##### **Iowa Electric Light and Power Co.; Central Iowa Power Cooperative, Corn Belt Power Cooperative; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain testing requirements of Appendix J to 10 CFR Part 50 to the Iowa Electric Light and Power Company (IELP/the licensee) for the Duane Arnold Energy Center located at the licensee's site in Linn County, Iowa.

##### **Environmental Assessment**

###### *Identification of Proposed Action*

The proposed action would grant an exemption from Appendix J, Type C, testing requirements for containment spray isolation valves.

###### *The Need for the Proposed Action*

The licensee has stated that the Type C testing requirement for the containment spray isolation valves is not practicable with the existing Duane Arnold Energy Center piping arrangement and proposes an alternate testing method which will also accurately determine the leakage rates for the valves.

###### *Environmental Impact of the Proposed Action*

The proposed exemption only effects components which are within the site

boundaries and actually within reactor secondary containment. There is no anticipated decrease in the reliability of these components to operate as designed in the event of an accident. Post-accident radiological releases will not differ from those determined previously and the proposed exemption does not otherwise affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption does not affect plant nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

##### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the test procedures for Type C components required in Appendix J. Such action would not enhance the protection of the environment.

##### *Alternative Use of Resources*

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Duane Arnold Energy Center, dated March 1973.

##### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

##### **Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated October 29, 1984, December 7, 1984, April 22, 1985 and July 12, 1985. These letters are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 52401.



Dated at Bethesda, Maryland, this 31st day of March 1987.

For the Nuclear Regulatory Commission.  
Daniel R. Muller,  
Director, BWR Project Directorate #2,  
Division of BWR Licensing.  
[FR Doc. 87-7427 Filed 4-2-87; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-252]

**Finding of No Significant Environmental Impact Regarding Proposed Amendment to Facility Operating License No. R-102; the University of New Mexico**

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. R-102 for the University of New Mexico AGN-201M research reactor located on the campus in Albuquerque, New Mexico.

The amendment will renew the Operating License for twenty years from its date of issuance, in accordance with the licensee's application dated June 2, 1986, as supplemented. Opportunity for hearing was afforded by the Notice of Proposed Renewal of Facility License published in the *Federal Register* on August 22, 1986, at 51 FR 20145. No request for hearing or petition for leave to intervene was filed following notice of the proposed action.

Continued operation of the reactor will not require alteration of buildings or structures, will not lead to changes in effluents released from the facility to the environment, will not increase the probability or consequences of accidents, and will not involve any unresolved issues concerning alternative uses of available resources. Based on the foregoing and on the Environmental Assessment, the Commission concludes that renewal of the license will not result in any significant environmental impacts.

*Finding of No Significant Impact*

The Commission has prepared an Environmental Assessment of this action, dated March 24, 1987, and has concluded that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined not to prepare an Environmental Impact Statement for the proposed action.

*Summary of Environmental Impacts As Described in the Environment Assessment*

The proposed action would authorize the licensee to continue operating the reactor in the same manner that it has

been operated since 1986. The environmental impacts associated with the continued operation of the AGN-201M reactor facility are discussed in an Environmental Assessment associated with this action. The Assessment concluded that continued operation of the AGN-201M reactor for an additional 20 years will not result in any significant environmental impacts on air, water, land or biota in the area, and that an Environmental Impact Statement need not be prepared. These conclusions were based on the following:

(a) The excess reactivity available under the Technical Specifications is insufficient to support a reactor transient generating enough energy to cause melting of the polyethylene fuel material.

(b) At a thermal power level of 5 watts, the inventory of fission products in the fuel cannot generate sufficient radioactive decay heat to cause fuel damage, and

(c) The maximum hypothetical accident considered in the staff's safety Evaluation Report would not lead to radiation exposures in the unrestricted environment that exceed guideline values of 10 CFR Part 20.

For further details with respect to this proposed action, see: (1) The application for license renewal dated June 2, 1986, as supplemented; (2) Amendment No. 3 to Facility Operating License R-102; (3) the Environmental Assessment, dated March 24, 1987; and (4) the Safety Evaluation Report prepared by the staff (NUREG-1224).

These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555. Copies may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-B.

Copies of NUREG-1224 may be purchased by calling (202) 275-2060 or (202) 275-2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7982.

Dated at Bethesda, Maryland, this 24th day of March, 1987.

For the Nuclear Regulatory Commission.  
Herbert N. Berkow,  
Director, Standardization & Special Projects Directorate, Division of PWR Licensing-B,  
Office of Nuclear Regulation.

[FR Doc. 87-7428 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

**Washington Public Power Supply System; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.3 to the Washington Public Power Supply System (WPPSS of the licensee), holder of Facility Operating License No. NPF-21 which authorizes operation of the WPPSS Nuclear Project No. (WNP-2 of the facility). The facility is a boiling water reactor and is located in Benton County, Washington.

**Environmental Assessment**

*Identification of Proposed Action*

The exemption from 10 CFR Part 50, Appendix J, Section III.D.3, would allow the licensee to perform Type C testing of containment isolation valves at refueling outages or other convenient intervals but in no case at intervals greater than 27 months. Currently the regulations require the Type C tests to be performed during each reactor shutdown for refueling, provided the intervals are not greater than two years.

On April 24, 1986, an Environmental Assessment Notice similar to this one was published in the *Federal Register* (51 FR 15560). That exemption would have required Type C testing at intervals no greater than two years but without the requirement for testing during each refueling outage. The exemption was not granted at that time pending resolution of other unrelated details of the testing program. Those details are now resolved and the original request of January 31, 1986 is now contemplated.

*The Need for the Proposed Action*

The exemption is needed to avoid the requirement for testing each Type C containment isolation valve during each refueling outage. The Supply System is constrained by weather conditions and the abundance of hydroelectric power during the spring thaw in the Pacific Northwest to refuel on an annual basis each spring. Thus, Section III.D.3 of 10 CFR Part 50, Appendix J would require Type C testing on an annual basis. The exemption would permit affected valves to be tested at intervals other than each refueling provided that the testing intervals not exceed 27 months rather than two years or 24 months. The additional three months is needed to allow for vagaries of weather that could require an early outage at the beginning



of one testing cycle and a late outage at the beginning of the next.

#### *Environmental Impacts of the Proposed Action*

There are no environmental impacts of the proposed action. The proposed exemption involves a change in the installation or use of the facility's components located within the restricted areas as defined in 10 CFR Part 20. The NRC staff has determined that the proposed exemption involves no significant increase in the amounts, and so significant change in the types, of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. It is expected that granting the exemption will result in a reduction in cumulative occupational exposure.

With regard to potential non-radiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and, by allowing better management of hydroelectric resources, may have a positive environmental impact. Therefore, the Commission concludes there are no significant adverse non-radiological environmental impacts associated with the proposed exemption.

#### *Alternative to the Proposed Action*

We have concluded that is no measureable adverse environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. This alternative would not reduce the environmental impact of plant operation.

#### *Alternative Use of Resources*

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Operation of WPPSS Nuclear Project No. 2" dated December 1981.

#### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### *Finding of No Significant Impact*

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, we conclude the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated January 31, 1986, and supplementary information dated April 11, July 22, 1986, January 9, and February 11, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Richland Public Library, Swift and Northgate, Richland, Washington 99352.

Dated at Bethesda, Maryland, this 30th day of March 1987.

For the Nuclear Regulatory Commission.

**Elinor G. Adensam,**

*Director, BWR Project Directorate No. 3, Division of BWR Licensing.*

[FR Doc. 87-7429 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Severe Accidents; Meeting**

The ACRS Subcommittee on Severe Accidents will hold a meeting on April 23, 1987, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

#### **Thursday, April 23, 1987—8:30 a.m. Until the Conclusion of Business**

The Subcommittee will continue the review of the proposed generic letter for Individual Plant Examinations (IPEs) as part of the NRC Implementation Plan for the Severe Accident Policy Statement.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, IDCOR representatives, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634-3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated March 31, 1987.

**Morton W. Libarkin,**

*Assistant, Executive Director for Project Review.*

[FR Doc. 87-7417 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Severe Accidents; Meeting**

The ACRS Subcommittee on Severe Accidents will hold a meeting on April 22, 1987, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

#### **Wednesday, April 22, 1987—8:30 a.m. Until the Conclusion of Business**

The Subcommittee will discuss the research plan intended to resolve the source term uncertainty areas and review the Expert Panels Assessment of these programs.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions



with representatives of the NRC Staff, its consultants, IDCOR representatives, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 202/634-3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 31, 1987.

Morton W. Libarkin,

Assistant, Executive Director for Project Review.

[FR Doc. 87-7418 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Thermal Hydraulic Phenomena; Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on April 28 and 29, 1987, at the Westbank Quality Inn, 475 River Parkway, Idaho Falls, ID.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

**Tuesday, April 28, 1987—8:30 A.M. until the conclusion of business**

**Wednesday, April 29, 1987—8:30 A.M. until the conclusion of business**

The Subcommittee will review: (1) Status of the NRC RES thermal hydraulic research program, (2) TIC activities at INEL, (3) Research Compendium supporting revision of the ECCS Rule, (4) the results of the OECD LOFT program, (5) plans to construct a new integral test facility; and (6) the status of the RES Experts' Group on Code Uncertainty.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify

the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any change in schedule, etc., which may have occurred.

Dated: March 31, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-7419 Filed 4-2-87; 8:45 am]

BILLING CODE 7590-01-M

#### SECURITIES AND EXCHANGE COMMISSION

##### Agency Information Collection Activities Under OMB

Agency Clearance Officer—Kenneth Fogash, (202) 272-2142

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549.

##### Revision

##### Regulation S-X

[SEC File No. 270-3]

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for approval a proposed amendment regarding mandatory peer reviews for auditors of Commission registrants.

Information collected and records prepared pursuant to the proposed rules would focus on documenting the performance of the peer review and the

findings of those conducting the peer review. This information will be used by the public, private peer review organizations and/or the Commission to monitor compliance with the peer review requirements.

Peer reviews, under the proposed rules, are to be conducted at least once every three years; therefore, there will generally be a triennial response to the information and record collection request.

The potential respondents include all entities that file registration statements or reports (and auditors of financial statements in such registration statements and reports) pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, or the Investment Advisers Act of 1940.

Many auditors of Commission registrants presently participate in voluntary peer review organizations. It is estimated that the increase in compliance burden resulting from the proposed rules would be approximately 69 hours for each triennial peer review of an auditor of a public company (or 23 hours per year on an annualized basis) and 16 hours for each triennial peer review of an auditor of an investment adviser (or 5.33 hours per year on an annualized basis).

Submit comments to OMB Desk Officer: Robert Neal (202) 395-7430, Office of Information and Regulatory Affairs, Room 3235, NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

March 26, 1987.

[FR Doc. 87-7365 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24276; File No. SR-NYSE-87-06]

#### Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval to Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Opening Price Settlement of Expiring NYSE Composite and Beta Index Options

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 16, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared



by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change modifies the definition of the term "Current Index Group Value" [Rule 700(b)(17)] to permit the Exchange to specify that the value upon exercise of options on the NYSE Composite Index and High Beta Index<sup>1</sup> on expiration Friday is calculated from the opening prices of the constituent stocks on that day. The proposed rule change also makes the specification required by the change to Rule 700(b)(17), and makes clear that trading in these two options ceases on the Thursday before expiration. The proposed change is applicable only to the June series of these two contracts. The Exchange intends to file subsequently for permanent approval of the revised procedures for index expirations.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B and C below.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

(a) *Purpose.* The purpose of the proposed rule change is to ameliorate the impact of the concurrent expiration of index options and futures on the markets for individual stocks and on the stock market as a whole. The Exchange believes that settling index futures and options based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's opening procedures in handling the accompanying stock volume, is the best strategy for addressing widely held concerns about the actual and potential impact of the derivative products on the

pricing mechanism and integrity of the stock market.

(b) *Statutory Basis.* The basis under the Act for the proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

#### **B. Self-Regulatory Organization's Statement on Burden on Competition**

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

#### **C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act so that it can open June contracts for trading as soon as possible after the March expiration. Normally, the June series in the two index options would open the Monday following the March expiration. The proposed rule change must be effective before the June series opens if the contracts are to commence trading subject to expiration valuation based upon the opening prices of the underlying stocks for the June expiration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The proposed rule change will enable the Exchange to implement procedures to base settlement of index futures and options on opening stock prices for the June 19, 1987, Expiration Friday. The Exchange believes that index settlement based on the opening prices of constituent stocks, utilizing the Exchange's opening procedures, may

best address the actual and potential impact of index expirations.

On certain occasions during the past two years, the concurrent expiration of index futures and options has been accompanied by significant price volatility. This volatility appears to have resulted in part from the liquidation of securities held as part of index arbitrages. Many market professionals have chosen to liquidate these positions at the close of trading in order to receive an execution price that will be consistent with the closing value of the index used in the cash settlement of index futures and options positions.<sup>2</sup>

The Commission believes that the NYSE's proposal, incorporating the use of quote indications (e.g., opening procedures) to attract order flow to offset stock order imbalances related to index expirations, may help to ameliorate the price effects of index expirations. Moreover, the ability to disseminate a second quote indication where an influx of orders has substantially shifted any existing order imbalance increases the accuracy and usefulness of the information. Therefore, the dissemination of price information in the component stocks of indexes at the opening, along with notice of order imbalances, should provide investors with a more accurate picture of the market in the effected stocks.

The Commission believes that adequate steps are being taken to inform investors of the pending change. The Options Clearing Corporation ("OCC") recently has filed with the Commission a supplement to the Options Disclosure Document that would amend its disclosure of settlement procedures for index products, thereby notifying investors of the change in procedures. In addition, OCC has filed a rule change to its By-Laws to permit options exchanges to provide by rule that the settlement value of any index on which options are traded on a particular exchange will be determined by reference to the prices of the constituent stocks at times other than the close of trading. Moreover, the Commission expects that the NYSE and broker-dealers will take steps to fully inform investors of these changes.

It should be noted, however, that not all index products will settle based on

<sup>1</sup> The NYSE incorporated the Beta index into the filing by a letter from Daniel P. Odell, Assistant Secretary, NYSE, to Sharon Lawson, Branch Chief, Division of Market Regulation, dated March 16, 1987.

<sup>2</sup> The liquidation of index arbitrage positions has resulted in increased volatility at expirations [See H. Stoll & R. Whaley, *Expiration Day Effects of Index Options and Futures* (March 15, 1986)]. Consequently, the Commission, in conjunction with the NYSE, has implemented early order-entry and exposure experiments on the last three expirations (September and December 1986, and March 1987). Reduced volatility at these recent expirations may partially be attributed to these procedures.



opening prices at the June expiration. Currently no other options exchange has changed an index option contract to an opening price settlement. In contrast, the Commodity Futures Trading Commission ("CFTC") recently approved a proposal by the Chicago Mercantile Exchange to switch its Standard and Poors 500 Index future contract to an opening price settlement in June.<sup>3</sup>

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the need to approve the change in settlement procedures prior to the introduction of the next monthly expiration cycle after the March expiration. Moreover, the Commission believes that acceleration is appropriate because of the absence of an impact on NYSE index options which are now outstanding. As mentioned previously, the NYSE plans to submit shortly a companion filing to make permanent the change in expiration settlement procedures for certain stock indexes. This filing for permanent approval will be subject to a full comment period.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC, 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the caption above and should be submitted by April 24, 1987.

#### V. Conclusion

For the reasons discussed above, the Commission finds the proposed rule change is consistent with the Act, and in

particular Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 27, 1987.

Jonathan G. Katz,  
Secretary.

[FR Doc. 87-7362 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-24277; File No. SR-OCC-87-07]

#### Self-Regulatory Organizations; Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change

On March 18, 1987, the Options Clearing Corporation ("OCC") filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") to enable an options exchange to provide by rule that the settlement value of an index option may be determined by the reported index level at a time or times other than the close of trading. The Commission is publishing this Order to solicit comment on the proposed rule change. In its filing, OCC requested approval of the proposal on or before March 27, 1987, in order to permit exchanges to file rule changes concerning index options contracts that will expire in June, which the exchanges may wish to open for trading on March 30, 1987. This Order approves the proposal on that basis.

#### I. Description

The proposal would amend OCC's By-Laws to authorize an exchange on which index options are traded to supercede OCC's By-Laws concerning index options valuation and specify, by rule, when to value those index options for exercise settlement purposes. The proposal would enable an exchange to set "current index values" <sup>1</sup> at a time other than the close of trading for the underlying securities, e.g., the opening of trading. The proposal also would enable an exchange to set current index values generally or on particular trading days,

such as the business day before expiration of the index option. Absent such exchange rules, however, the value of an index option would be determined by reference to OCC's By-Laws, which provide for valuation of the index at the close of trading.

The proposal provides that if an exchange rule sets a current index value for an index option at a time other than close of trading for underlying securities, that index option shall be deemed a different "series of options" from otherwise identical options to which the exchange rule does not apply. Thus, a series of options subject to an exchange rule would be traded, exercised, and settled separately from similar options that are not subject to the exchange rule. The proposal would apply only to options series opened for trading after March 27, 1987.

#### II. OCC's Rational

OCC states in its filing that the purpose of the proposal is to enable exchanges to synchronize the valuation of expiring stock index options with the valuation of commodity products (i.e., stock index futures and options on stock index futures) based on the same indices. Although valuation of commodity index products traditionally has been based on closing prices of underlying stocks, at least one commodities exchange has announced its intention to value expiring stock index futures and futures options based on opening prices <sup>2</sup> of the constituent stocks on what was formerly the last day of trading.<sup>3</sup> OCC believes that the proposal should enable exchanges to provide effective index option hedging vehicles by establishing index options with settlement valuations that correspond to settlement valuations of commodity products on the same indices.

#### III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments,

<sup>1</sup> OCC By-Law Article XVII provides that the "current index value" for an index option means the level of the index at the close of trading on any trading day. The level of the index is derived from the current market prices of the securities underlying the index. Settlement of exercised index options is based on the difference between the current index value and the exercise price of the index option.

<sup>2</sup> The Commission understands that the Chicago Mercantile Exchange announced its intention to base the settlement value of its Standard & Poors 500 Futures contract on opening prices beginning with the June 19, 1987 expiration.

<sup>3</sup> The Commission understands that because settlement values would be fixed at the opening on that day, trading in the affected futures would terminate on the preceding day.

<sup>3</sup> See letter from Jean A. Webb, Secretary, CFTC to Dr. Thomas E. Kilcollin, Senior Vice President and Chief Economist, Chicago Mercantile Exchange, dated February 25, 1987.



all written statements with respect to the proposed rule change that are filed with the Commission, all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number in the caption above and should be submitted by April 24, 1987.

#### IV. Discussion

The Commission believes that the proposal is consistent with the Act and, in particular, the requirement that OCC's rules generally protect investors and the public interest. The Commission believes OCC's proposal strikes an appropriate balance between the desire to maintain index options as a hedging vehicle for related commodities products and the risk of increased investor confusion. Although the proposal would authorize exchanges to establish different bases for determining exercise settlement values of index options, the Commission believes OCC has taken appropriate measures to limit potential investor confusion.

OCC's current By-Laws reflect the traditional industry practice of basing the settlement value of exercised index options on the market prices of stocks underlying the index as of close of trading for those stocks. Under that practice, the settlement value for a stock index option exercised before or on expiration date is based on the closing prices of underlying securities on the date of exercise. Because commodity stock index products also used the closing market prices of stocks underlying the index to determine settlement obligations, index options and commodity products on the same indices have been used, among other things, as alternative vehicles to hedge market risks.

The Commission believes the proposal will allow exchanges, in appropriate circumstances, to maintain the traditional relationship between options and commodity products involving the same stock indices. As noted above, certain commodity exchanges have proposed to value commodity index products based on the opening prices of the constituent stocks. Absent changes in OCC's By-Laws that enable parallel changes to index options valuation procedures, investor ability to use

commodity index products and stock index options as alternative vehicles to hedge market risks might be reduced significantly.<sup>4</sup>

The Commission believes that OCC's proposal is designed to provide orderly transition to index options valuation based on opening prices of underlying stocks. OCC has adopted a supplement to its Options Disclosure Document ("Supplement") to give its members and their customers notice and information about the exchange authority to designate new series of index options with different bases for settlement valuation.<sup>5</sup> The Supplement clarifies that changes to index option settlement values would apply only to series of options opened for trading after the date of the Supplement and that otherwise identical index options traded on an exchange could differ as to settlement valuation. The Supplement also notes that index options settlement values may be calculated differently from settlement values for commodity products based on the same index.

Finally, the Commission believes it is appropriate to approve OCC's proposal on an accelerated basis. The proposal merely enables exchange rulemaking to establish index options valuations at times different from those specified in OCC's By-Laws. Thus, the Commission will be able to review specific exchange proposals on a case-by-case basis.

#### V. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act and, in particular, section 17A.

The Commission finds good cause for approving the proposed rule change on an accelerated basis, before the thirtieth day after notice of the proposed rule change appeared in the **Federal Register**.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-OCC-87-07) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

<sup>4</sup> The Commission is approving today, on an accelerated basis, a New York Stock Exchange proposal that effects this change for its Composite Index Option and High-Beta Index Option. The Commission understands that other options exchanges favor such a change and expects similar rule filings may be filed.

<sup>5</sup> The Commission approved that supplement on an accelerated basis under Rule 9b-1 of the Act.

Dated: March 27, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-7363 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-16604]

#### Application and Opportunity for Hearing; Portland General Electric Co.

March 27, 1987.

Notice is hereby given that Portland General Electric Company, an Oregon corporation (the "Applicant"), has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank, a New York corporation ("Chemical Bank") under an indenture dated as of October 1, 1986 (the "Qualified Indenture") with respect to the Applicant's 8% Debentures Due 1991 and other unsecured debentures, notes or other evidences of indebtedness in one or more series (together the "Securities"), and an indenture dated as of December 1, 1986 (the "December Indenture") relating to the issuance of certain Bonds of the City of Forsyth, Montana which are to be paid from loan payments made by Applicant to Chemical Bank as Trustee under the December Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the Qualified Indenture with respect to the Securities.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material



conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that: (1) In October, 1986, the Applicant entered into the Qualified Indenture, with Chemical Bank as Trustee, providing for the issuance, from time to time, of the Securities. The Qualified Indenture was filed as Exhibit 4 to a registration statement on Form S-3 (File No. 33-6984) (the "Registration Statement"), which registration statement together with a Statement of Eligibility and Qualification of the Trustee on Form T-1 (File No. 22-15612) was filed with the Securities and Exchange Commission on July 3, 1986. On July 17, 1986, the Commission declared the Registration Statement effective and the Indenture was qualified. On October 8, 1986, the Applicant issued \$100,000,000 aggregate principal amount of 8% Debentures Due 1991 under the Qualified Indenture. The 8% Debentures were offered by a prospectus dated July 17, 1986, as supplemented by a prospectus supplement dated September 29, 1986.

(2) The Applicant is not in default in any respect under the Qualified Indenture or under any other existing indenture.

(3) On December 17, 1986 the City of Forsyth, Montana (the "Issuer") and Applicant entered into a Loan Agreement, (the "Loan Agreement") dated as of December 1, 1986, whereby the Issuer agreed to issue, under an indenture (the "Bond Indenture"), dated as of December 1, 1986, between the Issuer and Chemical Bank, as Trustee, \$21,000,000 aggregate principal amount of Variable Rate Demand Pollution Control Revenue Bonds, Series 1986 (Portland General Electric Company Colstrip Project) (the "Bonds"), and to lend the proceeds from the issuance of such Bonds to the Applicant. Pursuant to the Loan Agreement, the Applicant has agreed to make payments ("Loan Payments") sufficient to pay when due (whether at stated maturity, by acceleration or otherwise) the principal of, premium, if any, and interest on, the Bonds. The Bonds were not required to be, and were not, registered under the Securities Act of 1933 and the Bond Indenture was not qualified under the Trust Indenture Act of 1939.

(4) Trusteeship under the Qualified Indenture with respect to the Securities and under the Bond Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the

Qualified Indenture with respect to the Securities.

The Securities and the Loan Payments are both wholly unsecured and rank *pari passu*.

(5) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and laws asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than April 15, 1987, request in writing that a hearing be held on such matter, stating the nature of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 87-7364 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15650; 812-6632]

### Flag Investors Corporate Cash Trust; Application

March 27, 1987.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act").

*Applicant:* Flag Investors Corporate Cash Trust (the "Fund").

*Relevant 1940 Act Sections:* Exemption requested under section 6(c) from section 19(b) and Rule 19b-1.

*Summary of Application:* Applicant seeks an order that would permit it to distribute more frequently than annually, and as often as monthly, all capital gains realized by it from certain options transactions.

*Filing Date:* The application was filed on February 17, 1987.

*Hearing or Notification of Hearing:* If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on April 20, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 5th Street, Washington, DC 20549. The Fund, 135 East Baltimore Street, Baltimore, MD 21202.

**FOR FURTHER INFORMATION CONTACT:** Denis R. Molleur, Staff Attorney (202) 272-2363 or H.R. Hallock, Jr., Special Counsel (202) 272-3030 (Division of Investment Management).

### Applicant's Representations

1. The Fund is a diversified open-end management investment company registered under the 1940 Act. The Fund's primary investment objective is high current return, which it seeks to achieve by investing primarily in dividend paying common stocks that it holds only long enough to receive the dividend next payable and to qualify such dividend for the 80 percent corporate dividends received deduction under the Internal Revenue Code of 1986 ("Code").

2. The Fund's secondary investment objective is to minimize fluctuations of principal. As a means of generating increased income and as a device to hedge the Fund's portfolio against fluctuations in principal value, the Fund writes covered call options on its portfolio stocks. As an additional hedge, the Fund purchases put options on broad-based stock indexes traded on national securities exchanges to the fullest extent possible under the Code and other applicable legal limitations.

3. The Fund pays dividends from net investment income monthly. Net investment income includes dividends received from portfolio stocks and short-term capital gains and all other income not characterized as long-term capital gains. Distributions of any net long-term capital gains are currently distributed annually.



4. Under section 1256 of the Code, gains or losses with respect to the Fund's option transactions are deemed to be 60% long-term capital gain or long-term capital loss regardless of how long the position is actually held. Section 1256, as amended, was intended to eliminate certain tax abuses relating to the realization of short-term capital losses from options transactions and there is no evidence that Congress intended to limit the frequency with which registered investment companies may distribute capital gains from options transactions.

5. Under the Code, long-term capital gains and short-term capital gains will eventually be taxed at the same rates. To the extent that the Code continues to distinguish between long-term and short-term capital gains, and that distinction governs the Fund's distributions, the Fund wishes to distribute section 1256 deemed long-term gains monthly as it believes that its shareholders wish more frequent distributions of such gains.

6. None of the purposes of section 19(b) and Rule 19b-1 which, with certain exceptions, prohibit distributions of long-term capital gains more than once every twelve months, will be served by a strict application of these provisions to 60% of the capital gains generated by certain options transactions because: (1) Characterizations of these gains as long term capital gains would not make investors likely to confuse them with dividends out of net dividend income since the principal shareholders are corporations that have invested with an interest in this particular type of investment vehicle that is designed to provide monthly income distributions and (2) distributions of capital gains will be clearly distinguished from other components of distributions, such as income that qualifies for the dividends received deduction.

7. Section 19(b) and Rule 19b-1 were also intended to prevent churning of portfolios in contravention of a stated goal of long-term capital appreciation. The investment strategy of the Fund requires a high portfolio turnover, which is disclosed in the Fund's prospectus, and its investment objective is high current income, not long-term capital appreciation. Any deemed long-term gain from index option transactions would be an incident of policies designed to minimize fluctuations of principal.

8. Monthly distribution of long-term

capital gains from options transactions will not increase administrative expenses because the Fund already makes monthly distributions out of net investment income and the components of that net investment income, such as the percentage thereof that is eligible for the 80% dividends received deduction, must be communicated to shareholders.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 87-7366 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

### Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request Copy Available  
Form: Securities and Exchange  
Commission, Office of Consumer  
Affairs, Washington, DC 20549  
Extension  
Attorney Supplement to SF 171  
File No. 270-277

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance the Commission's Attorney Supplement to Standard Form 171.

Approximately 400 applicants submit an attorney supplement, which is estimated to require one hour of preparation.

Submit comments to OMB Desk  
Officer: Mr. Robert Neal, (202) 395-7430.  
Office of Information and Regulatory  
Affairs, Room 3228 NEOB, Washington,  
DC 20503.

Jonathan G. Katz,  
Secretary.

March 31, 1987.

[FR Doc. 87-7430 Filed 4-2-87; 8:45 am]

BILLING CODE 8010-01-M

### DEPARTMENT OF TRANSPORTATION

#### National Highway Traffic Safety Administration

#### Automotive Fuel Economy Program; Report to Congress

The attached document, *Automotive Fuel Economy Program, Eleventh*

*Annual Report to the Congress*, has been prepared pursuant to section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163) which requires in pertinent part that "each year beginning 1977, the Secretary shall transmit to each House of Congress, and publish in the **Federal Register**, a review of average fuel economy standards under this part."

Barry Felrice,

Associate Administrator for Rulemaking.  
March 30, 1987.

### AUTOMOTIVE FUEL ECONOMY PROGRAM

#### Eleventh Annual Report to the Congress—January 1987

##### Table of Contents

Section I: Introduction  
Section II: Fuel Economy Improvement by  
Manufacturers  
Section III: 1985 Rulemaking Activities  
Section IV: Impact of Domestic Content  
Amendment  
Section V: Use of Advanced Technology

##### Section I: Introduction

This Eleventh Annual Report to the Congress summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during 1986 regarding implementation of applicable Sections of Title V: "Improving Automotive Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended (the Act). Section 502(a)(2) of the Act requires submission of a report by January 15th of each year. Included in this report are sections summarizing rulemaking activities during 1986 and a discussion of the use of advanced automotive technology by the industry as required by section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95-238).

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new passenger cars and light trucks in the United States (U.S.) market. The authority to administer the program has been delegated by the Secretary to the Administrator of NHTSA, 49 CFR 1.50(f).

NHTSA's responsibilities in the fuel economy area include: (1) Establishing and amending average fuel economy standards for manufacturers of passenger cars and light trucks as



necessary; (2) promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards; (3) considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing fewer than 10,000 passenger cars annually worldwide) and establishing alternative standards for them; (4) preparing reports to Congress annually on the progress of the fuel economy program; (5) enforcing fuel economy standards and regulations; and (6) responding to petitions concerning domestic production by foreign manufacturers and other matters.

To date, passenger car fuel economy standards have been established by the Congress for Model Years (MY's) 1978 through 1980 and for 1985 and thereafter, and by NHTSA for MY's 1981 through 1984. In addition, during 1985 and 1986 NHTSA amended passenger car standards for MY's 1986 through 1988. Standards for light trucks have been

established by NHTSA for MY's 1979 through 1988. All current standards are listed in Table I-1.

In her budget statement of January 5, 1987, the Secretary of Transportation recommended to the President that the Administration should seek repeal of the fuel economy standards provisions of Title V of the Motor Vehicle Information and Cost Savings Act. The fuel economy standards required by this law have now put U.S. manufacturers at a competitive disadvantage with foreign importers and threaten thousands of American jobs. This is due largely to the domestic content requirement of the CAFE statute. Continuing the CAFE requirements may encourage U.S. manufacturers to build large cars overseas to comply with the fuel economy standards for their domestic fleet, give foreign importers a growing competitive advantage in the large car segment of the market, and reduce the range of American-built cars available to consumers.

TABLE I-1.—FUEL ECONOMY STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS FOR THE 1978 THROUGH 1988 MODEL YEARS (IN MPG)

Model Year	Pas- senger Cars	Light Trucks <sup>1</sup>		
		Two- wheel drive	Four- wheel drive	Compos- ite <sup>2,3</sup>
1978.....	<sup>4</sup> 18.0			
1979.....	<sup>4</sup> 19.0	17.2	15.8	17.2
1980.....	<sup>4</sup> 20.0	16.0	14.0	( <sup>5</sup> )
1981.....	22.0	<sup>6</sup> 16.7	15.0	( <sup>5</sup> )
1982.....	24.0	18.0	16.0	17.5
1983.....	26.0	19.5	17.5	19.0
1984.....	27.0	20.3	18.5	20.0
1985.....	<sup>4</sup> 27.5	<sup>7</sup> 19.7	<sup>7</sup> 18.9	<sup>7</sup> 19.5
1986.....	<sup>8</sup> 26.0	20.5	19.5	20.0
1987.....	<sup>8</sup> 26.0	21.0	19.5	20.5
1988.....	<sup>8</sup> 26.0	21.0	19.5	20.5

<sup>1</sup> Standards for MY 1979 light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. Standards for MY's 1980-1988 are for light trucks with a GVWR of up to and including 8,500 lbs.

<sup>2</sup> For MY 1979, light truck manufacturers may comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the 17.2 mpg standard.

<sup>3</sup> For MY 1982-1988, manufacturers may comply with the two-wheel and four-wheel drive standards or may combine their two-wheel and four-wheel drive light trucks and comply with the composite standard.

<sup>4</sup> Standards were established by Congress in Title V of the Motor Vehicle Information and Cost Savings Act.

<sup>5</sup> Manufacturers whose light truck fleet is powered exclusively by basic engines which are not also used in passenger automobiles, must meet standards of 14 mpg and 14.5 mpg in MY 1980 and 1981, respectively.

<sup>6</sup> Revised in June 1979 from 18.0 mpg.

<sup>7</sup> Revised in October 1984 from 21.6 mpg for two-wheel drive, 19.0 mpg for four-wheel drive, and 21.0 mpg for composite.

<sup>8</sup> Title V established a standard of 27.5 mpg for 1985 and subsequent model years, but provided the Department of Transportation with the authority to amend the standard. NHTSA lowered the standard to 26.0 for MY 1986 in October 1985 and to 26.0 mpg for MY's 1987 and 1988 in October 1986.

## Section II: Fuel Economy Improvement by Manufacturers

The fuel economy achievements for domestic and foreign manufacturers in MY 1985 have been updated since their publication in the *Tenth Annual Report to the Congress* and, together with current data for MY 1986, are listed in Tables II-1 and II-2.

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR <sup>1</sup>

Manufacturer	Model year— CAFE (MPG)	
	1985	1986
Domestic:		
AM.....	33.5	33.7
Chrysler.....	27.8	27.9
Ford.....	26.6	26.8
GM.....	25.5	26.2
Sales weighted average..	26.2	26.6
Imported:		
Alfa Romeo.....	27.1	27.6
Bertone.....	29.8	29.2
BMW.....	25.8	25.7
Chrysler Imports.....	36.2	36.4
Ford Imports.....	25.2	24.0
GM Imports.....	47.7	47.3
Honda.....	33.9	33.7
Hyundai.....		35.0
Isuzu.....	27.7	30.7
Jaguar.....	19.3	18.9
Mazda.....	30.3	29.7
Mercedes-Benz.....	23.0	21.3
Mitsubishi.....	31.9	30.7
Nissan.....	29.4	30.2
NUMMI (GM-Toyota).....	35.7	36.4
Peugeot.....	24.7	24.8
Pininfarina.....	28.0	
Porsche.....	26.3	25.5
Renault.....	28.6	26.3
Saab.....	25.8	26.4
Subaru.....	33.0	31.5
Suzuki.....	58.7	52.5
Toyota.....	32.9	32.5
Volvo.....	26.5	26.5
VW <sup>2</sup> .....	30.2	29.2
Yugo.....		31.3
Sales weighted average..	30.9	31.5
Total fleet average.....	27.3	27.9
Fuel economy standards.....	27.5	26.0

<sup>1</sup> Manufacturers of fewer than 10,000 passenger cars annually that have requested alternative fuel economy standards are not listed.

<sup>2</sup> Includes VW domestic production as well as VW and Audi imports.

Note—Some MY 1985 CAFE values differ from those used in the *Tenth Annual Report to the Congress* due to the inclusion of later data.



TABLE II-2.—LIGHT TRUCK FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR

Manufacturer	Model year CAFE (mpg)					
	Two-wheel drive		Four-wheel drive		Composite <sup>1</sup>	
	1985	1986	1985	1986	1985	1986
Domestic:						
AM.....	23.5	23.7	20.3	20.7		
Chrysler.....					19.1	19.7
Ford.....	19.5		18.8			20.2
GM.....	20.1	20.0	20.1	18.7		
Sales weighted average.....	19.9	20.1	19.7	19.4	19.1	20.1
Imported:						
Chrysler imports.....	28.0		24.6			23.0
Ford imports.....	26.0	27.9				
Isuzu.....	33.5	32.3	24.9	25.4		
Mazda.....	( <sup>2</sup> )	27.7				
Mitsubishi.....	28.6	28.4	23.2	23.0		
Nissan.....	26.7	25.8	22.9	22.4		
Subaru.....			28.1	28.3		
Suzuki.....			28.8	33.1		
Toyota.....	27.8	27.8	23.9	24.5		
VW.....	21.3					19.0
Sales weighted average.....	28.3	27.3	24.7	25.2		22.9
Total fleet average.....	21.2	22.8	20.5	21.5	19.1	20.2
Fuel economy standard.....	19.7	20.5	18.9	19.5	19.5	20.0

<sup>1</sup> In MY's 1985 and 1986, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine their two-wheel and four-wheel drive trucks and comply with the composite standards.

<sup>2</sup> Early introduction of 1986 models, no 1985 models produced.

Note.—Some MY 1985 CAFE values differ from those used in the Tenth Annual Report to Congress due to the use of later data.

Despite lower fuel prices, overall fleet fuel economy improved for passenger cars from 27.3 mpg in MY 1985 to 27.9 mpg in MY 1986. Lower fuel prices also contributed to a continuing reduction in the demand for diesel engines (from 0.9 percent of the MY 1985 fleet to 0.3 percent of the MY 1986 fleet). For MY 1986, Corporate Average Fuel Economy (CAFE) values increased over MY 1985 levels for only 11 of the 27 passenger car manufacturers which produced cars in both MY's 1985 and 1986. (See Table II-1.) However, these 11 companies accounted for about 77 percent of the total MY 1986 production. Manufacturers did continue to introduce new technologies and more fuel-efficient models. On balance both domestic and import manufacturers improved their passenger car CAFE levels. For MY 1986, all four domestic manufacturers raised their CAFE from their MY 1985 levels and the average CAFE for imported cars recovered to the MY 1984 value after a decline in MY 1985.

For light trucks, fleet average MY 1986

CAFE increased from MY 1985 levels by 1.6 mpg for manufacturers using the two-wheel-drive standard, by 1.0 mpg for manufacturers using the four-wheel-drive standard, and by 1.1 mpg for manufacturers using the composite standard. CAFE levels for imported light truck manufacturers decreased by 1.0 mpg for two-wheel drive trucks and increased by 0.5 mpg for four-wheel drive trucks. Three of the four domestic manufacturers increased their light truck CAFE.

Two domestic and one imported light truck manufacturers are not projected to achieve the MY 1986 CAFE standards. Also, a number of European manufacturers with limited model offerings failed to meet the level of the MY 1986 passenger car CAFE standard. However, NHTSA is not yet able to determine which of these manufacturers may be liable for civil penalties for noncompliance. Some MY 1986 CAFE projections may change when final MY 1986 CAFE figures are provided to NHTSA by EPA, in mid-1987. In

addition, many manufacturers are not expected to pay civil penalties because the credits they earned by exceeding the fuel economy standards in earlier years offset later shortfalls. Other manufacturers may file carryback plans to demonstrate that they anticipate earning credits in future model years to eliminate current deficits.

Fleet average fuel economy for all MY 1986 passenger cars exceeded both the MY 1986 standard and, for the first time, the higher 27.5 mpg standard originally set by the Congress for MY's 1985 and beyond. Thus, even though NHTSA lowered, according to statutory criteria, the original MY 1986 standard, overall CAFE continued to rise.

Fleet average fuel economy for MY 1986 light trucks also exceeded the MY 1986 standards for either the separate two- and four-wheel drive fleets or on the composite basis. NHTSA estimates that by 1995 the projected cumulative passenger car and light truck fuel savings due to manufacturers'



achievements through 1986 would amount to approximately 410 billion gallons when compared to the consumption projected at MY 1976 new vehicle fuel economy levels. This calculation assumes that manufacturers will continue to achieve the fuel economy levels of existing standards for the post-1988 period and that on-road fuel economy averages 15 percent below EPA ratings, which is consistent with current EPA labeling requirements.

The characteristics of the MY 1986 passenger car fleet reflect a continuing trend toward heavier imported cars and higher performance domestic cars. (See Table II-3.) Since MY 1985, the average curb weight decreased 50 pounds for the domestic fleet but increased 25 pounds for the import fleet. From MY 1985 to MY 1986, horsepower per 100 pounds increased from 3.77 to 3.90 for domestic cars and declined from 4.01 to 3.85 hp for imported cars. Average engine size is smaller for both domestic and imported cars. The size class breakdown shows a slight trend away from full- and mid-size cars to compacts and subcompacts for the overall fleet. The import share of the passenger car market increased by about 3 percentage points in MY 1986 as it also did in MY 1985.

The 0.4-0.6 mpg passenger car fuel economy improvements for the MY 1986 domestic and import fleets were achieved primarily in four areas: increased use of front-wheel drive (to reduce driveline losses), increased use of torque converter clutches and split torque features on automatic transmissions (also to reduce driveline losses), increased use of fuel injection on domestic cars (to increase the engine efficiency), and reduced weight on domestic cars.

The characteristics of the MY 1986 light truck fleet (see Table II-4) show an average weight reduction of 47 pounds, smaller engine size, and higher performance as reflected by the increase in the average horsepower to weight ratio. Increased popularity of small pickups and compact vans contributed to improved CAFE levels. The 0.7 mpg fleet fuel economy improvement for MY 1986 light trucks was achieved primarily by a 28 percentage point increase in the use of fuel injection and increased use of lock-up torque converter clutches on automatic transmissions. As with passenger cars, diesel usage decline in light trucks.

The import share of the MY 1986 light truck fleet rose to the highest level since MY 1980. This is somewhat distorted, however, because of the extended model year in 1986 for two Japanese manufacturers.

TABLE II-3.—PASSENGER CAR FLEET CHARACTERISTICS

Model year	Total fleet		Domestic fleet		Import fleet	
	1985	1986	1985	1986	1985	1986
Fleet average fuel economy, mpg	27.3	27.9	26.2	26.6	30.9	31.5
Fleet average curb weight, lb	2,866	2,821	3,018	2,968	2,457	2,482
Fleet average engine displacement, in. <sup>3</sup>	177	169	199	191	119	117
Fleet average horsepower/weight ratio, hp/100 lb	3.84	3.89	3.77	3.90	4.01	3.85
Percent of fleet	100	100	72.8	69.7	27.2	30.3
Segmentation by EPA size class, percent:						
Two-seater	3.3	3.3	1.7	1.9	7.6	6.4
Minicompact	0.6	0.5	0.0	0.0	2.3	1.8
Subcompact <sup>1</sup>	21.1	23.8	9.8	10.3	51.3	54.7
Compact <sup>1</sup>	31.0	31.6	29.6	31.2	34.9	32.6
Mid-size <sup>1</sup>	28.6	27.8	37.7	38.1	3.8	4.2
Full size <sup>1</sup>	15.4	13.0	21.2	18.6	0.0	0.3
Percent diesel engines	0.9	0.3	0.2	0.1	2.7	0.7
Percent turbocharged engines	3.7	3.6	3.0	3.1	5.6	4.7
Percent injection	56.4	65.6	57.5	67.3	53.3	48.9
Percent front-wheel drive	63.3	71.1	60.0	68.2	72.3	77.8
Percent automatic transmissions	76.9	75.6	88.6	87.5	45.4	48.0
Percent of automatic transmissions with lock-up clutches or split torque Features	82.3	84.4	86.1	88.5	62.5	67.1

<sup>1</sup> Includes associated station wagons.

TABLE II-4.—LIGHT TRUCK FLEET CHARACTERISTICS

Model year	Total fleet		2WD fleet		4WD fleet	
	1985	1986	1985	1986	1985	1986
Fleet Average Fuel Economy, mpg	20.7	21.4	20.9	21.8	20.2	20.6
Fleet Average Equivalent Test Weight, lb	3,860	3,813	3,807	3,760	3,964	3,929
Fleet Average Engine Displacement, in. <sup>3</sup>	225	213	229	215	217	207
Fleet Average Horsepower/Equivalent Test Weight ratio, HP/100 lb	3.20	3.27	3.28	3.30	3.05	3.21
Percent of Fleet	100	100	66.5	68.7	33.5	31.3
Import Share, percent	17.8	29.2	16.9	27.8	19.7	32.2
Segmentation by Type, percent:						
Passenger Van:						
Compact	8.3	11.1	12.5	15.6		1.0
Large	2.4	1.2	3.6	1.8		
Cargo Van:						
Compact	3.6	3.3	5.4	4.8		
Large	8.8	7.9	13.2	11.5		
Small Pickup	23.2	28.5	29.9	36.9	10.5	10.2
Large Pickup	30.1	28.8	29.4	25.2	31.3	36.6
Special Purpose	23.2	18.7	5.5	3.5	58.2	52.1
Cab Chassis	0.3	0.5	0.5	0.7		
Percent Diesel Engines	1.5	1.1	1.4	0.9	1.6	1.4
Percent Fuel Injection	14.0	41.9	15.5	38.1	11.0	50.2
Percent Automatic Transmissions	63.8	58.2	69.3	62.7	52.8	48.3
Percent Automatic Transmissions with Lock-up Clutches	70.1	72.4	68.6	69.4	74.6	81.0

### Section III: 1986 Activities

#### A. MY 1987-88 Passenger Car Fuel Economy Standards

On March 1, 1985, General Motors Corporation (GM) and Ford Motor Company (Ford) petitioned the agency to reduce passenger car fuel economy standards from 27.5 mpg to 26.0 mpg for 1986 and subsequent model years. In general, both companies argued that changes in the passenger car market beyond their control, such as declining fuel prices and increased import

competition, had reduced their fuel economy capability.

On March 28, 1985, NHTSA published a notice in the *Federal Register* (50 FR 12344) granting the GM and Ford petitions and requesting public comment. In that notice, NHTSA also combined rulemaking on these petitions with that of a petition submitted on July 26, 1984, by the Center for Auto Safety (CFAS) and the Environmental Policy Institute (EPI). The CFAS/EPI petition requested that the agency raise the existing passenger car fuel economy



standards from 27.5 mpg for MY 1987-90 to 31.5, 34.5, 37.5, and 40.5 mpg for MY 1987-90, respectively. The CFAS/EPI petition was granted by NHTSA in a *Federal Register* notice on November 28, 1984 (49 FR 46770). In both *Federal Register* notices, the agency noted that granting a petition does not mean that a rule will necessarily be issued. The determination to issue a rule is made in the course of rulemaking in accordance with statutory criteria.

On September 30, 1985, NHTSA issued a final rule amending the MY 1986 standard to 26.0 mpg (50 FR 40528, October 4, 1985).

On January 22, 1986, NHTSA published in the *Federal Register* (51 FR 2912) a notice of a public meeting to be held on February 19, 1986, and a notice of proposed rulemaking (NPRM) to amend the existing MY 1987-88 standard of 27.5 mpg to new values within the range of 26.0 mpg to 27.5 mpg. In the NPRM, the agency requested information and comments to assist it in its analysis of manufacturers' fuel economy capabilities for MY's 1987-88. NHTSA noted that manufacturers are faced with significant uncertainties that could have substantial adverse impact on their CAFE projections. Respondents were asked to comment on these uncertainties—specifically, future gasoline prices, competition from abroad, and consumer demand.

On July 30, 1986, NHTSA published in the *Federal Register* (51 FR 27224) a supplemental NPRM (SNPRM) concerning an argument put forth by GM that the agency may (or indeed, must) consider a company's need for carryback credits in determining the maximum feasible average fuel economy level. The notice requested comment on a tentative conclusion by the agency that the argument should be rejected.

On October 1, 1986, after receiving extensive comments on its proposal and holding a public meeting, NHTSA issued a final rule amending the MY 1987-1988 standards to 26.0 mpg (51 FR 35594, October 6, 1986). NHTSA concluded that the only actions available to GM and Ford to significantly raise their MY 1987-88 fuel economy levels would involve product restrictions resulting in adverse economic impacts, including sales losses well into the hundreds of thousands, job losses into the tens of thousands, and unreasonable restrictions on consumer choice. In its analysis, the agency noted that both GM and Ford CAFE estimates for MY 1987-1988 are subject to a number of risks. One risk is the possibility of greater than expected competition from foreign manufacturers of small cars, which compete directly with and thus could reduce sales of the domestic

manufacturers' more fuel efficient cars. Another risk is that fuel prices may decline further, reducing demand beyond that anticipated by the manufacturers for smaller cars and engines, with concomitant increases in consumer demand for larger cars and engines. Based on its analysis, NHTSA concluded that the maximum feasible standard for MY 1987-88 is 26.0 mpg.

NHTSA based its decision to establish MY 1987-88 standards at 26.0 mpg on grounds unrelated to the argument set forth by GM that the agency must consider a company's need for carryback credits when determining the maximum average fuel economy level. The agency noted that if it did include GM's desire to earn carryback credits to offset its MY 1985 shortfall as part of the calculation of the MY 1987-88 standards, the record would dictate standards below 26.0 mpg for both model years.

#### B. Light Truck Standards

Proposed standards for MY 1988 and 1989 light trucks were published on January 24, 1986 (51 FR 3221). That rule proposed that final composite standards be set within a range of 20.5 mpg to 22.0 mpg for MY 1988 and 20.5 mpg to 22.5 mpg for MY 1989.

NHTSA published a final rule establishing MY 1988 light truck fuel economy standards on April 23, 1986 (51 FR 15335). The agency set a composite standard of 20.5 mpg, with optional standards of 21.0 mpg for two-wheel drive trucks and 19.5 mpg for four-wheel drive trucks.

In the final rule for MY 1988 trucks, the agency again determined that Ford was the "least capable" manufacturer with regard to the level of the average fuel efficiency of its light trucks. The agency concluded, upon balancing the relevant statutory factors that the relatively small and uncertain energy savings that would be associated with setting a standard above Ford's capability would not justify the economic harm to that company and the economy as a whole. The agency projected that Ford could achieve an average MY 1988 fuel economy level no higher than 20.8 mpg. In contrast, NHTSA concluded that GM could achieve between 20.8-21.1 mpg and Chrysler could achieve 21.5-23.3 mpg. The 20.8 mpg figure for Ford was subject to a potential loss of 0.3 to 0.5 mpg due to sales shifts towards larger engines and vehicles (primarily due to possible declines in fuel prices and consequent increased consumer demand for larger trucks and engines), as well as a potential loss of 0.3 mpg due to technological risks. The agency believed

that it was likely that some but not all of these risks would occur, and that Ford's MY 1988 capability did not exceed 20.5 mpg. It selected 20.5 mpg as the final composite standard to balance the potentially serious adverse economic consequences associated with the realization of the above market and technological risks against Ford's opportunities as the "least capable" manufacturer with a substantial share of sales. (Since Ford produces more than 25 percent of all light trucks subject to fuel economy standards, its capability has a significant effect on the level of the industry's capability and, therefore, on the level of the standards.)

The agency is currently in the process of analyzing data for MY 1989 light truck average fuel economy standards. A final rule is expected to be issued by the end of February 1987.

NHTSA has begun the process of establishing light truck standards for the post-1989 period. NHTSA issued a notice requesting data on manufacturers' MY 1990-91 light truck fuel economy capabilities on September 16, 1986 (51 FR 32802). The agency plans to issue a proposed rule on MY 1990-91 light truck fuel economy standards in the spring of 1987.

#### C. Low Volume Petitions

Section 502(c) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable passenger car fuel economy standards if these standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactured fewer than 10,000 passenger automobiles, worldwide, in the model year for which the exemption is sought (the affected model year) and which manufactured fewer than 10,000 passenger automobiles in the second model year before the affected model year.

On April 16, 1986, NHTSA published a final rule in the *Federal Register* (51 FR 12855) setting alternative fuel economy standards for Rolls Royce of 11.2 mpg for MY 1987-89.

The agency has pending petitions for alternative standards from Lamborghini, Lotus, Maserati, London Coach, Ferrari, Bitter, and Dutcher Motors. Action on these petitions will be completed in 1987.

#### Section IV: Impact of Domestic Content Amendment

The Automobile Fuel Efficiency Act of 1980 (Act of 1980) modified several



provisions of the Motor Vehicle Information and Cost Savings Act. One modification concerned the domestic content provision in section 503 of Title V. Section 503 specifies that passenger cars having less than 75 percent of the cost to the manufacturer attributable to the value added in the United States or Canada are considered to be foreign manufactured. Conversely, vehicles with at least 75 percent value added in the U.S. or Canada are considered to be domestically manufactured for the purposes of complying with fuel economy regulations. Since section 503 also requires that domestically and foreign produced passenger automobiles not be grouped together for the purpose of complying with fuel economy standards, highly fuel-efficient vehicles with less than 75 percent value added in the United States or Canada may not be used by a manufacturer to offset the lower fuel economy of its domestically produced cars.

The domestic content provision was included in Title V to promote employment in the U.S. automobile industry by encouraging manufacturers to produce high fuel economy vehicles in this country, instead of relying on the importation of such cars which they produced or purchased abroad. However, foreign manufacturers choosing to build their most fuel-efficient vehicles in the U.S. or Canada, with at least 75 percent domestic content, would not, under the original domestic provision, be permitted to average such cars with their less fuel-efficient foreign-produced models. Thus, there existed a disincentive for foreign manufacturers to initiate U.S. production and to achieve high levels of domestic content. The Act of 1980 permits manufacturers completing their first year of production in the period 1975-85 to petition NHTSA for exemption from the separate compliance provisions of section 503 of Title V. Such a petition must be granted unless the agency finds that doing so would result in reduced employment in the U.S. automobile industry.

Volkswagen of America, Inc. (VWoA) was the only manufacturer to petition NHTSA for an exemption from the separate compliance provision. The agency granted the petition for relief on October 23, 1981. The agency concluded that granting the petition would not result in adverse effects on employment in the U.S. automobile industry.

During 1986, as required by the Act of 1980 (section 512(c)(1) of Title V), the Secretaries of Transportation and Labor made their fifth annual examination of the impact of the domestic content amendment to Title V. During 1986, employment in the domestic auto industry shrank as production declined.

Through October 1986 (the latest figures available when this report was prepared), domestic passenger car production declined 4.8 percent compared to the same period in 1985. VWoA car production declined 11.8 percent; however, VWoA accounts for only 1.1 percent of total domestic car production. According to the U.S. Department of Labor, total employment in SIC (Standard Industrial Classification) 371 (Motor Vehicles and Equipment) declined from an average of 876,000 for January through October 1985 to 846,000 for the same period in 1986.

Although declines in vehicle production experienced by VWoA and other domestic manufacturers in 1986 have prevented growth in U.S. automobile industry employment, VWoA expects that its MY 1987 U.S. produced Golf, its only model assembled in the U.S. during MY 1986, will continue to contain over 75 percent domestic content. Also, VWoA is initiating U.S. assembly of its Jetta model which has previously only been imported from Europe. The domestic content of the MY 1987 Jetta is below 75 percent, but that percentage is expected to increase in the future. There is no reason, at present, to change the 1981 findings of NHTSA that granting VWoA's petition will promote employment in the U.S. automobile industry without causing undue harm to domestic manufacturers. Also, no evidence has been found that the domestic content provision has permitted a manufacturer of domestically produced cars to attain the 75 percent level, and then subsequently to fall below the 75 percent requirement for the same model type.

#### Section V: Use of Advanced Technology

This section fulfills the statutory requirement of section 305 of Title III of the Department of Energy Act of 1978 (Pub. L. 95-238) which directs the Secretary of Transportation to submit an annual report to the Congress on the use of advanced technologies by the automotive industry to improve motor vehicle fuel economy. This report focuses on the introduction of new models, the application of materials to save weight, and the advances in electronics and engine technology which improved fuel economy in MY 1986.

#### New Models

In 1986, manufacturers introduced several new, lighter weight, front-wheel drive passenger cars and some new, lighter weight truck models.

General Motors replaced the K-body Cadillac Seville and the E-body Cadillac Eldorado, Buick Riviera, and Oldsmobile Toronado with lighter transverse-engine,

front-wheel drive models with more sophisticated computer control of engine functions. These new models are over 400 pounds lighter than their predecessors, have lower aerodynamic drag, and are manufactured in GM's new, highly-automated Hamtramck, Michigan, assembly plant. GM also introduced new, front-wheel drive H-body sedans (the Oldsmobile Delta 88 and the Buick LeSabre) which replaced the B-body rear-wheel drive sedans of the same model names. The new H-body sedans are about 600 pounds lighter than their predecessors.

Ford introduced new front-wheel drive mid-size cars (the Ford Taurus and Mercury Sable) which replaced the rear-wheel drive Ford LTD and Mercury Marquis. The Taurus and Sable incorporate new 4- and 6-cylinder engines, a new 4-speed automatic transmission and low aerodynamic drag for improved fuel economy.

For MY 1986, the number of imported passenger car makes increased with the introduction of Yugo, Hyundai, and Acura lines. The Yugo and Hyundai cars are marketed as low-cost entry-level vehicles and are manufactured in Yugoslavia and South Korea, respectively. This is the first time cars from either of these countries have been offered in the U.S. market. The Acura is a new Honda line offering larger and more luxuriously trimmed models. Other new imports include the front-wheel drive Toyota Celica replacing the rear-wheel drive model, the compact Mazda 323 replacing the subcompact Mazda GLC, and the Saab 9000, which is the first imported sedan to be classified as "large" by the EPA interior volume index measurements.

In the domestic light truck area, American Motors and Chrysler each introduced new pickup trucks in a new mid-size class that falls between compact and full-size models in weight, but has cargo box dimensions similar to full-size pickups. The American Motors Jeep Comanche pickup was an early introduction 1986 model while Chrysler's Dodge Dakota is an early introduction 1987 model. In the import truck category, Mazda and Nissan introduced new compact pickups this year, with part of the Nissan production assembled in the U.S. The number of small vans and van-like station wagons with four-wheel drive increased in MY 1986, with the introduction of the Nissan 4WD Stanza Wagon and four-wheel drive versions of the Plymouth/Dodge imported Colt Vista wagon and the Volkswagen Vanagon Syncro.

#### Materials

Auto makers continued to make progress in materials application aimed



at weight reduction, corrosion prevention, and general quality improvement. This report will focus on the weight reduction and improved efficiency aspects.

The use of aluminum is increasing as is the application of certain plastics and composite materials. The tubular aluminum driveshaft introduced on the Ford Aerostar van has entered high volume production. Weight has been reduced from 19 lbs to 11 lbs. The Aerostar also employs aluminum wheels made by a novel impact extrusion process. Weight savings on rotating components like wheels and driveshafts represent a greater energy savings than on static components because the rotational energy must be increased as well as the forward motion each time the vehicle accelerates.

Ford also has introduced an aluminum case for its four-speed automatic transmissions on the Taurus/Sable cars. The new Chevrolet Corvette uses aluminum cylinder heads on its V-8 engine. Although this application is not novel, these lighter weight heads are usually employed on smaller engines. Other new applications of aluminum include cast hinges on the AMC Jeep Cherokee and Wagoneer, balance shaft housings on Chrysler's new 2.5 liter engines, water pumps on Ford's new V-6 engines for the Taurus and Sable, new cast wheels on a number of cars, and expanded use of aluminum radiators. Another lightweight metal, magnesium alloy, has been introduced in clutch housings and clutch/brake pedal support brackets.

As the lighter metals, plastics, and composite materials replace conventional steel, some of the remaining conventional steel is being replaced by high-strength steels. Examples of high-strength steel introduction include the Ford Aerostar van hood, liftgate and driveshaft; bumper components on the Taurus, Sable, and Aerostar; and leaf springs on various GM models. Smaller, more powerful engines will also rely heavily on high strength steel for component applications. Engine components affected on 1986 models include balance shafts and interconnecting helical gears in Chrysler's new 2.5 liter engines. Also steel camshafts are replacing cast iron camshafts in Ford's 5.0 liter V-8.

Body and chassis applications of high-strength steel include frame crossmembers, front bumper support bars, rear wheel wells and control arms on the Ford Aerostar van; certain underbody components of GM E/K-body cars; and wheels for the Buick LeSabre and Oldsmobile Delta 88.

A new application of a composite piston is being introduced in GM's 2.5 liter four cylinder "Iron Duke" engine. This consists of silicon impregnated aluminum cast into a piston to produce a light-weight low friction material.

The Ford Aerostar van uses various plastic components including polycarbonate polyester alloy bumper parts, polyethylene fuel tanks, nylon air cleaners and polycarbonate headlamp covers. Other new applications of plastics include polycarbonate bumpers on the Ford Taurus and Mercury Sable, fiberglass reinforced epoxy resins in rear leaf springs on various GM cars, and plastic rear load floor/seatback assemblies in the Taurus/Sable station wagons. The Pontiac Fiero continued to use the first thermoplastic rear quarter panels in the U.S. The Jeep Comanche pickup truck uses a plastic front end panel. These new introductions of plastics are expected not only to save weight, but to increase vehicle life, performance, and appearance.

In addition to the preceding applications, various research and development milestones were reached in 1986. For example a joint development project between the Aluminum Company of America and Audi AG is producing an all aluminum body which weighs 46.8 percent less than an identical body made of steel. Also, resilient foams are being developed for light weight bumper cores to produce superior impact absorption at reduced weight.

#### Electronics

The application of electronics in vehicles in ways that enhance fuel economy continues to grow. More cars have electronic controlled fuel injection and antiknock systems for MY 1986. Increasingly, fuel injection is multi-point which introduces the fuel at the intake port of each cylinder rather than single-point, which introduces fuel at a central position in the manifold. Shift indicator lights were used on about half of the manual transmission cars to indicate optimum shift points to achieve improved fuel economy. Many of these engine electronics functions are managed by computers, which control a multitude of other vehicle features such as comfort, convenience, diagnostic, antilock brakes, four-wheel drive, and suspension stiffness or leveling. Another electronic development beginning to be used in MY 1986 cars is multiplexing, which reduces the amount of wiring required by using internal switching to route several signals over the same wire.

#### Summary

Although the present stable supply and declining prices of fuel have somewhat limited manufacturers' technological efforts to achieve additional improvements in fuel economy, auto manufacturers are still making progress. Several new models of passenger cars and light trucks were introduced in MY 1986 with better fuel economy than their predecessors due to lighter weight, improved aerodynamics, and/or new engines and transmissions. Applications of alternative materials for lighter weight continued to increase as did electronic engine controls. Overall, the fuel economy of every sector of passenger cars (imported and domestic) and light trucks (two-wheel drive and four-wheel drive) improved in MY 1986.

[FR Doc. 87-7323 Filed 4-2-87; 8:45 am]

BILLING CODE 4910-59-M

#### Urban Mass Transportation Administration

##### Availability of UMTA Circular C 7008.1; Financial Capacity and Request for Comments

**AGENCY:** Urban Mass Transportation Administration, DOT.

**ACTION:** Notice of the availability of UMTA Circular C 7008.1: Financial Capacity; and request for comments.

**SUMMARY:** By this Notice, the Urban Mass Transportation Administration (UMTA) announces that UMTA Circular C 7008.1, "Financial Capacity," is available to the public. This Circular provides guidance on the criteria UMTA uses to make a determination of each grantee's financial capacity as required by section 3 and the certification requirements of section 9 of the UMT Act. The Circular imposes no new requirements, nor does it require any additional documentation of grantees.

**DATE:** The Circular is effective March 30, 1987. Comments should be received by May 30, 1987.

**ADDRESS:** Comments on the Circular should be submitted to UMTA Docket Number 87-A, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street SW., Washington, DC 20590. Comments may be inspected by the public at this address, Monday through Friday between 8:30 a.m. and 5:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth W. Butler, Associate Administrator for Budget and Policy, Room 9310, (202) 366-4050



Mr. Brian J. Cudahy, Director of Capital and Formula Assistance, Room 9311, (202) 366-1662

**SUPPLEMENTARY INFORMATION:** UMTA Circular C 7008.1 applies to grant funds made available under the UMT Act and concerns the statutory requirements for financial capacity required of UMTA grant recipients.

These requirements are found specifically in two provisions in the UMT Act, section 3(a)(2)(A)(i) and section 9(e)(3)(A), which require that the applicant has "the legal, financial and technical capacity to carry out the proposed project." The purpose of this Circular is to provide guidance to grantees on the factors UMTA considers when it makes an assessment of the financial capacity of applicants before it makes a grant.

Generally, financial capacity consist of two aspects: Overall current financial condition and future financial capability of the agency which includes the sufficiency of its funding sources to meet future operating deficits and capital costs.

The former is usually documented in audits and financial reports. It is reflected in working capital levels, current assets versus current liabilities, capital accounts, debt levels and trends in transit costs and relevant economic indicators.

Financial capability, on the other hand, refers to the stability and reliability of revenue sources to meet future annual capital and operating costs. Funds pledged to support operating deficits and capital programs, as well as replacement and rehabilitation costs and new investments are evaluated for their sufficiency and reliability.

Reviews conducted by the General Accounting Office (GAO) and others often have revealed inadequate financial planning on the part of transit agencies which can result in, among other things, excess fleet size, reduction of overall service in order to initiate service on new facilities and inadequate maintenance. Therefore, UMTA is issuing this Circular describing all stages of UMTA's assessment of financial capacity leading to its funding decisions.

This Circular imposes no new requirements, nor does it require grantees to submit any additional documentation than they are already required to submit. It is effective immediately, in order to permit grantees the earliest opportunity to reevaluate the steps they are taking to ensure compliance with the requirement for financial capacity. Comments will be

accepted for 60 days from the effective date of this Notice, May 30, 1987. Following the end of the comment period, UMTA will review the comments and publish another Notice in the **Federal Register**. That Notice will respond to the comments and, if appropriate, make changes to the Circular.

UMTA plans to send a copy of the Circular to all its grantees. Any interested members of the public can obtain a copy by contacting: UMTA Office of Management Planning, Administrative Services Division, UAD-12, Room 7427, 400 7th Street SW., Washington, DC 20590, telephone 366-4865.

Issued on: March 30, 1987.

**Ralph L. Stanley,**

*Administrator.*

[FR Doc. 87-7354 Filed 3-31-87; 11:54 am]

**BILLING CODE 4910-57-M**

## DEPARTMENT OF THE TREASURY

### Income Tax Treaty Discussions With the Federal Republic of Germany

The Treasury Department announced that representatives of the United States and the Federal Republic of Germany will resume discussions in early April 1987 on possible revisions of the existing income tax treaty between the two countries. The present treaty was signed in 1954 and last revised in 1965.

The discussions will consider revisions in the tax laws of the two countries since the treaty was last revised in 1965. These revisions include the U.S. Tax Reform Act of 1986 and the German tax reform of 1977. To the extent possible, the discussions also will consider the German tax reform anticipated later this year.

Persons wishing to offer comments or suggestions relating to the forthcoming discussions are invited to submit such comments or suggestions in writing to Stephen E. Shay, International Tax Counsel, Room 3064 Main Treasury, Washington, DC 20220.

**J. Roger Mentz,**

*Assistant Secretary (Tax Policy).*

[FR Doc. 87-7356 Filed 4-2-87; 8:45 am]

**BILLING CODE 4810-25-M**

### Public Information Collection Requirements Submitted to OMB for Review

Dated: March 27, 1987.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

**OMB Number:** 1545-0026

**Form Number:** 926

**Type of Review:** Extension

**Title:** Return by a Transferor of Property to a Foreign Corporation, Foreign Estate or Trust, or Foreign Partnership

**Description:** Internal Revenue Code section 1491 imposes an excise tax on the transfer of property to a foreign entity. On the date of the transfer, Form 926 and any tax due is required to be filed and paid. In addition, Form 926 is used as a vehicle for taxpayers to report information under section 6038B.

**Respondents:** Individuals, Businesses

**Estimated Burden:** 10,315 hours

**Clearance Officer:** Garrick Shear (202)

566-6150, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

**OMB Reviewer:** Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

#### Financial Management Service

**OMB Number:** 1510-0045

**Form Number:** TFS-150

**Type of Review:** Reinstatement

**Title:** Trace Request for EFT Payment

**Description:** Purpose is to notify the financial organization that a customer (beneficiary) has claimed non-receipt of credit for a payment. The form is designed to help the financial organization locate any problem and to keep the customer (beneficiary) informed of any action taken

**Respondents:** Businesses

**Estimated Burden:** 5,628 hours

**Clearance Officer:** Douglas C. Lewis (202) 436-5300, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782

**OMB Reviewer:** Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

**Dale A. Morgan,**

*Departmental Reports, Management Officer.*

[FR Doc. 87-7333 Filed 4-2-87; 8:45 am]

**BILLING CODE 4810-25-M**



# Sunshine Act Meetings

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10:00 a.m., Thursday, April 9, 1987.

**LOCATION:** Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

**STATUS:** Open to the Public.

### MATTERS TO BE CONSIDERED:

#### Indoor Air Quality Status

The staff will brief the Commission on the status of the Indoor Air Quality project.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** 301-492-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,  
Deputy Secretary.  
April 1, 1987.

[FR Doc. 87-7526 Filed 4-1-87; 1:19 pm]  
BILLING CODE 6355-01-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DATE AND TIME:** 2:00 p.m. (eastern time) Monday, April 13, 1987.

**PLACE:** Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

**STATUS:** Closed to the public.

### MATTERS TO BE CONSIDERED:

#### Closed

1. Litigation Authorization; General Counsel Recommendations

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 634-6748 at all times for information on these meetings.)

### CONTACT PERSON FOR MORE

**INFORMATION:** Cynthia C. Matthews, Executive Officer at (202) 634-6748.

This Notice Issued April 1, 1987.

Dated: April 1, 1987.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 87-7542 Filed 4-1-87; 3:25 pm]

BILLING CODE 6750-06-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:05 p.m. on Tuesday, March 24, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase and assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) The First State Bank in Billings, Billings, Oklahoma, which was expected to be closed by the Acting Bank Commissioner for the State of Oklahoma on Thursday, March 26, 1987; and (b) Tallulah State Bank & Trust Company, Tallulah, Louisiana, which was expected to be closed by the Commissioner of Financial Institutions for the State of Louisiana on Friday, March 27, 1987.

At that same meeting, the Board also considered a memorandum relating to the initiation of a pilot program which would involve the use of public accounting firms to supplement the Corporation's present examination force.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters

in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 30, 1987.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-7515 Filed 4-1-87; 12:28 pm]

BILLING CODE 6714-01-M

## FEDERAL MARITIME COMMISSION

**TIME AND DATE:** 10:00 a.m., April 8, 1987.

**PLACE:** Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Malpractices in the Trans-Atlantic Trade.
2. Proposed section 15 Orders—Far East Trades.
3. Petition and Amendment to Petition of O.N.E. Shipping, Ltd., for section 19 Relief (Colombia).
4. Docket No. 84-31—Arctic Gulf Marine, Inc., Peninsula Shippers Association, Inc., Southbound Shippers, Inc.—Consideration of the Record.

### CONTACT PERSON FOR MORE

**INFORMATION:** Joseph C. Polking, Secretary (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 87-7516 Filed 4-1-87; 12:43 pm]

BILLING CODE 6730-01-M

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 31, 1987.

**TIME AND DATE:** 10:00 a.m., Thursday, April 9, 1987.

**PLACE:** Room 600, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument on the following:

1. *Jim Walter Resources, Inc.*, Docket Nos. SE 85-36-R, SE 85-62, etc., SE 86-83. (Issues include whether Jim Walter Resources, Inc. complied with its approved ventilation plan and 30 CFR 75.316).

\* \* \*



**TIME AND DATE:** Following oral argument in the above case.

**STATUS:** Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the above cases.

It was determined by a unanimous vote of Commissioners that this portion of the agenda be closed.

Any person who intends to attend the oral argument portion of this meeting who requires special accessibility features, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen (202) 653-5629.

Jean H. Ellen,  
Agenda Clerk.

[FR Doc. 87-7462 Filed 4-1-87; 10:23 am]

BILLING CODE 6735-01-M

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 31, 1987.

**TIME AND DATE:** 9:30 a.m., Thursday, April 30, 1987.

**PLACE:** Room 600, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument on the following:

1. *John A. Gilbert v. Sandy Fork Mining Co., Inc.*, Docket No. KENT 86-49-D and KENT 86-76-D. (Issues include whether the judge erred in dismissing John A. Gilbert's complaint of discrimination.)

\* \* \* \* \*

**TIME AND DATE:** Following oral argument in the above case.

**STATUS:** Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

**MATTERS TO BE CONSIDERED:** The Commission will consider and act on the above case.

It was determined by a unanimous vote of Commissioners that this portion of the agenda be closed.

Any person who intends to attend the oral argument portion of this meeting who requires special accessibility features, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen (202) 653-5629.

Jean H. Ellen,  
Agenda Clerk.

[FR Doc. 87-7462 Filed 4-1-87; 10:23 am]

BILLING CODE 6735-01-M

#### FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 3:00 p.m., Friday, April 3, 1987. The business of the Committee requires that this meeting of the Committee on Employee Benefits be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to: (a) The general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans. Specific item is: Proposed early retirement program for employees of a Federal Reserve Bank.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 31, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-7451 Filed 4-1-87; 10:22 am]

BILLING CODE 6210-01-M

#### NATIONAL CREDIT UNION ADMINISTRATION

**TIME AND DATE:** 2:00 p.m., Thursday, April 9, 1987.

**PLACE:** Biloxi Hilton, 3580 West Beach Boulevard, Biloxi, MS, 601-388-7000.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Economic Commentary.
3. Review of Central Liquidity Facility Lending Rate.
4. Central Liquidity Facility Investment Policies.
5. Insurance Fund Report.
6. Memorandum of Understanding Between National Association State Credit Union Supervisors (NASCUS) and National Credit Union Administration (NCUA).
7. Proposed Rule: Part 705, NCUA Rules and Regulations, Community Development Credit Union Program.

8. Final Rule: Amendments to Part 708, NCUA Rules and Regulations, involving mergers of federally-insured credit unions and voluntary termination of conversion of Federal share insurance.

9. Final Rule: Amendments to §§ 701.21 and 741, NCUA Rules and Regulations, Member Business Loans by Federally-Insured Credit Unions.

**FOR MORE INFORMATION CONTACT:** Becky Baker, Acting Secretary of the Board, Telephone (202) 357-1100.

Becky Baker,

Acting Secretary of the Board.

[FR Doc. 87-7528 Filed 4-1-87; 2:07 pm]

BILLING CODE 7535-01-M

#### NATIONAL CREDIT UNION ADMINISTRATION

**TIME AND DATE:** 1:00 p.m., Wednesday, April 15, 1987.

**PLACE:** 1776 G Street, NW., Washington, DC 20456, 7th Floor, Filene Board Room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Act under section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
3. Board Briefings. Closed Pursuant to exemptions (2), (8), (9)(A)(ii), and (9)(B).
4. Organizational Structure. Closed pursuant to exemptions (2) and (9)(B).
5. Personnel Actions. Closed pursuant to exemptions (2) and (6).

**FOR MORE INFORMATION CONTACT:** Becky Baker, Acting Secretary of the Board, Telephone (202) 357-1100.

Becky Baker,

Acting Secretary of the Board.

[FR Doc. 87-7529 Filed 4-1-87; 2:07 pm]

BILLING CODE 7535-01-M

#### SECURITIES AND EXCHANGE COMMISSION Agency Meeting

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [52 FR 10289 March 31, 1987].

**STATUS:** Open meeting.

**PLACE:** 450 Fifth Street, NW., Washington, DC

**DATE PREVIOUSLY ANNOUNCED:** Friday, March 27, 1987.

**CHANGE IN THE MEETING:** Cancellation.

The following open meeting scheduled for Thursday, April 9, 1987, at 10:00 a.m. has been cancelled.

Consideration of whether to issue a release proposing an amendment to Rule 3a12-8 under the Securities Exchange Act of 1934 that would designate as an exempted security, solely for purposes of futures trading thereon, foreign government debt (a) issued by any country the sovereign debt of which is



rated in one of the two highest rating categories of two nationally recognized rating agencies or (b) issued by the governments of Australia, France and New Zealand. For further information, please contact David L. Underhill at (202) 272-2375.

Commissioner Cox, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Andrew Feldman at (202) 272-2091.

Jonathan G. Katz,

Secretary.

March 31, 1987.

[FR Doc. 87-7553 Filed 4-1-87; 3:53 pm]

BILLING CODE 8010-01-M



# Corrections

Federal Register

Vol. 52, No. 64

Friday, April 3, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF ENERGY

### Office of Energy Research

#### Basic Energy Sciences Advisory Committee; Open Meeting

##### *Correction*

In notice document 87-6321 appearing on page 9330, in the issue of Tuesday, March 24, 1987, make the following correction:

In the second column, in the ninth line from the bottom, "April 3, 1987" should read "April 23, 1987".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 60

[AD-FRL-3141-4]

#### Standards of Performance for New Stationary Sources; Appendix A, Reference Methods; Miscellaneous Clarifications and Addition of Concentration Calculation Equations to Method 18

##### *Correction*

In rule document 87-3316 beginning on page 5105 in the issue of Thursday February 19, 1987, make the following corrections:

1. On page 5108, in the first column, after the formula, in the second line, " $\mu$ 1" should read " $\mu$ l"; in the third line,

the character just before the equal sign should read " $\mu$ l", and in the eighth line, "10<sub>6</sub>" should read "10<sup>6</sup>".

2. On the same page, in the second column, in section 7.1.1, in the first line, "Sampling" was misspelled.

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-940-07-4220-11; NM NM 10948]

#### New Mexico; Proposed Continuation of Withdrawal

##### *Correction*

In notice document 87-6040 beginning on page 8983 in the issue of Friday, March 20, 1987, make the following correction:

On page 8983, in the third column, the 27th line should read: "N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,".

BILLING CODE 1505-01-D



# Federal Register

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Friday  
April 3, 1987

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## Part II

### Reader Aids

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**List of Libraries That Have Announced  
Availability of Federal Register and Code  
of Federal Regulations**



## LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

In order to better serve the public the Office of the Federal Register is publishing a list of libraries where the *Federal Register* and *Code of Federal Regulations* are available for examination free of charge. This list contains only those Government depository libraries and other libraries that specifically have chosen to be included. A complete listing of *Government Depository Libraries* is available without charge from The Library, U.S. Government Printing Office, 5236 Eisenhower Avenue, Alexandria, VA 22304.

The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Administration, Washington, DC 20408, or phone (202) 523-5227 giving the name and address of the library. (\*FR only. †CFR only.)

## ALABAMA

## Birmingham:

Government Documents Department  
Birmingham Public Library  
2020 Park Place  
Birmingham, AL 35203  
(205) 254-2551

## Gadsden:

Gadsden Public Library  
254 College Street  
Gadsden, AL 35901  
(205) 547-1611

## Mobile:

Governmental Information Division  
Mobile Public Library  
564 Davis Avenue  
Mobile, AL 36603  
(205) 438-7092

Government Documents Department  
University of South Alabama Library  
Mobile, AL 36688  
(205) 460-7024

## Montgomery:

Alabama Public Library Service  
6030 Monticello Drive  
Montgomery, AL 36130  
(205) 277-7330

## Tuscaloosa:

University of Alabama Library  
Reference Department  
Box S  
University, AL 35486  
(205) 348-6046

## ALASKA

## Anchorage:

Alaska Resources Library  
U.S. Department of the Interior  
701 C Street, Box 36  
Anchorage, AK 95513

Office of the Solicitor, Law Library  
U.S. Department of the Interior  
510 L Street, Suite 408  
Anchorage, AK 99501

## Fairbanks:

Bureau of Land Management  
Library  
Fairbanks District Office  
P.O. Box 1150  
North Post of Ft. Waynewright  
Fairbanks, AK 99707

Rasmuson Library  
Government Documents Section  
University of Alaska  
Fairbanks, AK 99701

## Juneau:

Alaska State Library  
8th Floor, New State Office Bldg.  
Pouch G  
Juneau, AK 99811  
(907) 465-2920

## ARIZONA

## Flagstaff:

Government Documents Department  
Northern Arizona University Library  
Flagstaff, AZ 86011  
(602) 523-2171

## Glendale:

Velma Teague Library  
7010 N. 58th Avenue  
Glendale, AZ 85301  
(602) 931-5576

## Phoenix:

Phoenix Public Library  
Business, Science & Technology—  
Documents  
12 E. McDowell Road  
Phoenix, AZ 85004  
(602) 262-6451

## Tempe:

Arizona State University  
College of Law Library  
Government Documents  
Tempe, AZ 85281

Government Documents Department  
Arizona State University Library  
Tempe, AZ 85281

## ARKANSAS

## Little Rock

Government Documents Department  
UALR Library  
University of Arkansas at Little Rock  
33rd and University Avenue  
Little Rock, AR 72204  
(501) 569-3120

## Searcy:

Beaumont Memorial Library  
Harding University  
P.O. Box 928  
Searcy, AR 72143  
(501) 268-6161

## CALIFORNIA

## Anaheim:

Anaheim Public Library  
500 W. Broadway Avenue  
Anaheim, CA 92805  
(714) 999-1880

## Arcata:

Documents Department  
The Library  
Humboldt State University  
Arcata, CA 95521

## Burlingame:

The San Mateo Foundation\*  
1204 Burlingame Avenue  
P.O. Box 627  
Burlingame, CA 94010  
(415) 342-2477

## Glendale:

City of Glendale  
Glendale Public Library  
222 East Harvard Street  
Glendale, CA 91205

## Inglewood:

Inglewood Public Library  
101 West Manchester Blvd.  
Inglewood, CA 90301  
(213) 649-7397

## La Jolla:

Government Documents, Maps,  
Microforms Department  
Central University Library C-075-P  
University of California, San Diego  
La Jolla, CA 92093  
(714) 452-3338

## Lakewood:

Angelo M. Iacoboni Library  
5020 Clark Avenue  
Lakewood, CA 90712  
(213) 866-1777

## Long Beach:

Government Publications  
Long Beach Public Library and  
Information Center  
101 Pacific Avenue  
Long Beach, CA 90802  
(213) 437-2949, ext. 40

Long Beach Safety Council Library  
121 Linden Avenue  
Long Beach, CA 90802

## Menlo Park:

U.S. Geological Survey Library  
345 Middlefield Road  
Menlo Park, CA 94025

## Oakland:

Holy Names College Library  
3500 Mountain Blvd.  
Oakland, CA 94619



## CALIFORNIA—Continued

## Orange:

Thurmond Clarke Memorial Library  
Chapman College  
333 North Glassell Street  
Orange, CA 92666

## Pasadena:

City of Pasadena  
Pasadena Public Library  
285 E. Walnut Street  
Pasadena, CA 91101  
(213) 577-4054

## Pleasant Hill:

Contra Costa County Library  
Documents Section  
1750 Oak Park Boulevard  
Pleasant Hill, CA 94523  
(415) 944-3423

## Redwood City:

Redwood City Public Library  
881 Jefferson Avenue  
Redwood City, CA 94063  
(415) 369-6251, ext. 288

San Mateo County Superintendent of  
Schools Office  
Educational Resources Center  
333 Main Street  
Redwood City, CA 94063  
(415) 364-5600

## Richmond:

Richmond Public Library  
Civic Center Plaza  
Richmond, CA 94804

## Riverside:

Riverside City and County Public  
Library  
(Current CFR only)  
3581 Seventh Street  
P.O. Box 468  
Riverside, CA 92502  
(714) 787-7203

## Sacramento:

Law Library  
California State Library  
P.O. Box 2037  
Sacramento, CA 95809  
(916) 445-8833

## San Bernardino:

San Bernardino County Library  
104 West Fourth Street  
San Bernardino, CA 92415

## San Diego:

Western State University  
College of Law  
1333 Front Street  
San Diego, CA 92101  
(714) 231-0300

## San Francisco:

University of California  
Hastings College of the Law  
Library  
198 McAllister Street  
San Francisco, CA 94102

## San Rafael:

Marin County Free Library  
Civic Center Administration Building  
San Rafael, CA 94903  
(415) 499-6051

## Vallejo:

California Maritime Academy\*  
P.O. Box 1392  
Vallejo, CA 94590  
(707) 644-5601

## COLORADO

## Denver:

Bureau of Land Management  
Denver Service Center Library  
Building 50  
Denver Federal Center  
Denver, CO 80225  
  
Bureau of Reclamation Library  
Engineering and Research Center  
P.O. Box 25007, Denver Federal Center  
Denver, CO 80225

Colorado State Library  
1362 Lincoln Street  
Denver, CO 80203

Regional Solicitor, Law Library  
U.S. Department of the Interior  
Room 1400, Bldg. 67, Denver Federal  
Center  
P.O. Box 25007  
Denver, CO 80225

Rocky Mountain Regional Office  
Library  
National Park Service  
655 Perfect Street  
P.O. Box 25287  
Denver, CO 80225

## Fort Collins:

Documents Department  
The Libraries  
Colorado State University  
Fort Collins, CO 80523

## Greeley:

James A. Michener Library  
Government Publications Service  
University of Northern Colorado  
Greeley, CO 80639

## Lakewood:

Villa Library\*  
455 South Pierce Street  
Lakewood, CO 80226  
(303) 936-7407

## Pueblo:

Pueblo Regional Planning Commission  
Library\*  
No. 1 City Hall Place  
Pueblo, CO 81003  
(303) 543-6006

## CONNECTICUT

## Bloomfield:

Prosser Public Library  
1 Tunxis Avenue  
Bloomfield, CT 06002

## Danielson:

Quinebaug Valley Community College  
P.O. Box 59  
Danielson, CT 06239  
774-1130

## East Haven:

Hagaman Memorial Library\*  
227 Main Street  
East Haven, CT 06512  
(203) 468-3223

## Fairfield:

Nyselius Library  
Fairfield University  
North Benson Road  
Fairfield, CT 06430  
(203) 255-5411, Ext. 2451

## Hartford:

The Stanley Osborne Library\*  
Third Floor  
The Connecticut State Department of  
Health Services  
79 Elm Street  
Hartford, CT 06115  
(203) 566-2198

## Middletown:

Olin Library  
Wesleyan University  
Middletown, CT 06457

## Stamford:

Ferguson Library  
96 Broad Street  
Stamford, CT 06901

## Storrs:

Government Publications Department  
University of Connecticut Library  
University of Connecticut  
Storrs, CT 06268

## Waterbury:

Silas Bronson Public Library  
Business, Industry & Technology  
Department  
267 Grand Street  
Waterbury, CT 06702

## Wethersfield:

Wethersfield Public Library  
515 Silas Deane Highway  
Wethersfield, CT 06109

## DELAWARE

## Wilmington:

The Delaware Law School Library  
Widener University  
P.O. Box 7475 Concord Pike  
Wilmington, DE 19803  
(302) 478-5280  
Ext. 247

## DISTRICT OF COLUMBIA

Natural Resources Library  
U.S. Department of the Interior  
Washington, DC 20240

Office of the Federal Register  
1100 L Street, N.W.  
Room 8301  
Washington, DC 20408  
(202) 523-4986

## FLORIDA

## Clearwater:

Clearwater Public Library  
100 North Osceola Avenue  
Clearwater, FL 33515



## FLORIDA—Continued

## Daytona Beach:

Volusia County Library Center  
City Island  
Daytona Beach, FL 32014  
(904) 255-3765

## Fort Lauderdale:

Broward County Main Library  
100 S. Andrews Avenue  
Fort Lauderdale, FL 33301  
(305) 357-7444

## Melbourne:

Government Documents Department  
Florida Institute of Technology  
Library  
University Blvd.  
Melbourne, FL 32901  
(305) 723-3701

## Miami:

Social Science Department  
Miami Dade Public Library  
101 West Flagler Street  
Miami, FL 33130  
(305) 375-2665

## North Miami Beach:

North Miami Beach Library  
1601 N.E. 164 Street  
North Miami Beach, FL 33162  
(305) 948-2970

## Orlando:

Orange County Library System  
General Information Department  
10 N. Rosalind Avenue  
Orlando, FL 32801  
(305) 425-4694

## Sarasota:

The University of Sarasota  
2080 Ringling Blvd.  
Sarasota, FL 33577  
(813) 955-4228

## Tallahassee:

Documents Section  
State Library of Florida  
R. A. Gray Building  
Tallahassee, FL 32301  
(904) 487-2651

## Tampa:

Tampa—Hillsborough County Public  
Library  
900 North Ashley Street  
Tampa, FL 33602  
(813) 223-8969

## GEORGIA

## Athens:

University of Georgia Libraries  
Government Reference Department  
Athens, GA 30602

## Atlanta:

Documents Center  
Robert W. Woodruff Library  
Emory University  
Atlanta, GA 30322  
(404) 727-6880

Office of the Regional Solicitor, Law  
Library

U.S. Department of the Interior  
148 Cain Street, N.E., Suite 405  
Atlanta, GA 30303

## Dublin:

Laurens County Library  
801 Bellevue Ave.  
Dublin, GA 31021

## Elberton:

Southeastern Power Administration  
Law Library  
U.S. Department of Energy  
Samuel Elbert Building  
Elberton, GA 30635

## Savannah:

Chatham—Effingham—Liberty Regional  
Library  
2002 Bull Street  
Savannah, GA 31499  
(912) 234-5127

## IDAHO

## Boise:

Field Solicitor, Law Library  
U.S. Department of the Interior  
Federal Building, U.S. Courthouse  
Box 20  
Boise, ID 83724

## Pocatello:

The Library  
Idaho State University  
Pocatello, ID 83209

## ILLINOIS

## Bloomington:

Illinois Wesleyan University  
Library  
Bloomington, IL 61701

## Chicago:

Government Publications Department  
Chicago Public Library  
425 N. Michigan Avenue  
Chicago, IL 60611  
(312) 269-3002

University of Chicago Law Library  
1121 East 60th Street  
Chicago, IL 60637

Documents Department  
University of Illinois at Chicago Circle  
The Library, P.O. Box 8198  
Chicago, IL 60680  
(312) 996-2716/996-2738

## Dekalb:

Government Publications Department  
Northern Illinois University  
Founders Library  
Dekalb, IL 60115  
(815) 753-1932

## Evanston:

Northwestern University Library  
Government Publications Department  
Evanston, IL 60201  
(312) 491-3130

## Lake Forest:

Lake Forest College Library  
Lake Forest, IL 60045  
(312) 234-3100, ext. 410

## Lockport:

Lewis University  
Route 53  
Lockport, IL 60441  
(815) 838-0500

## Macomb:

Government Publications and Legal  
Reference Library  
Western Illinois University  
Macomb, IL 61455  
(309) 298-2411

## Niles:

Niles Public Library District  
6960 Oakton Street  
Niles, IL 60648  
(312) 967-8554

## Normal:

Milner Library  
Illinois State University  
Normal, IL 61761

## Oak Park:

Oak Park Public Library  
834 Lake Street  
Oak Park, IL 60301  
(312) 383-8200

## Rockford:

Rockford Public Library  
215 North Wyman Street  
Rockford, IL 61101  
(815) 965-6731

## Springfield:

Energy Information Library\*  
Illinois Institute of Natural Resources,  
Room 300  
325 W. Adams Street  
Springfield, IL 62706

## Streamwood:

Government Documents Department  
Poplar Creek Public Library  
1405 S. Park Blvd.  
Streamwood, IL 60103  
(312) 837-6800

## Waukegan:

County of Lake  
Law Library  
18 North County Street  
Waukegan, IL 60085  
(312) 689-6654

## INDIANA

## Fort Wayne:

The Public Library of  
Fort Wayne and Allen County  
900 Webster Street  
Fort Wayne, IN 46802  
(219) 424-7241



## INDIANA—Continued

## Indianapolis:

Reference and Loan Division  
Indiana State Library  
140 N. Senate Ave.  
Indianapolis, IN 46204  
(317) 232-3675

## Muncie:

Ball State University Library  
Government Publications Service  
Muncie, IN 47305  
(317) 285-6195

## South Bend:

Indiana University at South Bend  
1700 Mishawaka Avenue  
South Bend, IN 46615  
(219) 237-4440

## IOWA

## Ames:

Library—Government Publications  
Department  
Iowa State University  
Ames, IA 50010  
(515) 294-2834

## Des Moines:

State Library Commission of Iowa  
Law Library  
Capitol Building  
Des Moines, IA 50319  
(515) 281-5125

State Library Commission of Iowa  
Historical Building  
East 12th & Grand  
Des Moines, IA 50319

## Dubuque:

Carnegie-Stout Public Library  
Eleventh and Bluff Streets  
Dubuque, IA 52001  
(319) 583-9197

Wahlert Memorial Library  
Loras College  
1450 Alta Vista  
Dubuque, IA 52001

## KANSAS

## Colby:

H. F. Davis Memorial Library  
Colby Community College  
1255 South Range  
Colby, KS 67701  
(913) 462-3984

## Lawrence:

University of Kansas Law Library  
Green Hall  
Lawrence, KS 66045  
(913) 864-3025

## Pittsburg:

Leonard H. Axe Library  
Pittsburg State University  
Pittsburg, KS 66762  
(316) 231-7000, ext. 4889

## Salina:

Memorial Library  
Kansas Wesleyan  
100 East Claflin  
Salina, KS 67401-6196  
(913) 827-5541, ext. 298

## Topeka:

Washburn University of Topeka  
School of Law Library  
Topeka, KS 66621  
(913) 295-6660

## KENTUCKY

## Bowling Green:

Western Kentucky University  
Helm-Cravens Library  
Bowling Green, KY 42101

## Frankfort:

Government Document Section  
State Library Division  
Kentucky Department of Library &  
Archives  
Berry Hill  
Frankfort, KY 40602  
(502) 564-2480

## Highland Heights:

Northern Kentucky University  
Library  
Government Documents Department  
Highland Heights, KY 41076

## Lexington:

University of Kentucky Libraries  
Government Publications Department  
Lexington, KY 40506  
Law Library  
University of Kentucky  
Lexington, KY 40506

## Louisville:

University of Louisville  
The Library  
Louisville, KY 40208

## Pikeville:

CITAC Library  
Pikeville College  
Armington Science Center  
Pikeville, KY 41501  
(606) 432-9396

## LOUISIANA

## Baton Rouge:

Library, Department of Urban &  
Community Affairs  
5790 Florida Boulevard  
Baton Rouge, LA 70806

Louisiana State Library  
P.O. Box 131  
760 N. Riverside Mall  
Baton Rouge, LA 70821  
(504) 389-6651

## Lafayette:

University of Southwestern Louisiana  
University Libraries  
Lafayette, LA 70501

## New Orleans:

U.S. Court of Appeals Library  
5th Circuit  
600 Camp Street  
Room 106  
New Orleans, LA 70130  
(504) 589-6510

## MAINE

## Lewiston:

George and Helen Ladd Library  
Bates College  
Lewiston, ME 04240

## Portland:

Donald L. Garbrecht Law Library  
246 Deering Avenue  
Portland, ME 04102  
(207) 780-4350

## MARYLAND

## Aberdeen:

Department of the Army  
U.S. Army Environmental Hygiene  
Agency  
ATTN: Librarian, Bldg. E-2100  
Aberdeen Proving Ground, MD 21010

## Annapolis:

Maryland State Law Library  
Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, MD 21401

## Baltimore:

Enoch Pratt Free Library  
400 Cathedral Street  
Baltimore, MD 21201

## Cumberland:

Allegany Community College Library  
Willow Brook Road  
P.O. Box 1695  
Cumberland, MD 21502  
(301) 724-7700, ext. 36

## Oakland:

Garrett County Planning Office\*  
323 East Oak Street  
Oakland, MD 21550  
(301) 334-4200

## Rockville:

Medical Library  
Food & Drug Administration  
5600 Fishers Lane  
Room 11B40  
Rockville, MD 20857

Department of Public Libraries  
Montgomery County  
99 Maryland Avenue  
Rockville, MD 20850  
(301) 279-1966

## MASSACHUSETTS

## Boston:

Government Documents Department  
Boston Public Library  
Copley Square  
Boston, MA 02117

## Gloucester:

Gloucester Lyceum and Sawyer Free  
Library\*  
General Reference Section  
2 Dale Avenue  
Gloucester, MA 01930  
(617) 283-0376

## Newton Corner:

Office of the Regional Solicitor, Law  
Library  
Suite 612  
1 Gateway Center  
Newton Corner, MA 02158  
(617) 965-5100, ext. 258



## MASSACHUSETTS—Continued

## Springfield:

The City Library  
Central Library  
220 State Street  
Springfield, MA 01103

## Woburn:

Commonwealth of Massachusetts  
Trial Court of the Commonwealth  
District Court Department  
Fourth Eastern Middlesex Division  
Woburn, MA 01801  
(617) 935-4000

## MICHIGAN

## Ann Arbor:

Washtenaw Community College  
4800 East Huron River Drive  
Ann Arbor, MI 48106  
(313) 973-3300

## Detroit:

Downtown Library\*  
Detroit Public Library  
121 Gratiot  
Detroit, MI 48226

Detroit Public Library  
5201 Woodward Avenue  
Detroit, MI 48202

Municipal Reference Library  
Detroit Public Library  
1004 City-County Building  
Detroit, MI 48226

Arthur Neef Law Library  
Wayne State University  
468 W. Ferry Mall  
Detroit, MI 48202  
(313) 577-3925

## East Lansing:

Documents Department  
Michigan State University Library  
East Lansing, MI 48824

## Flint:

Flint Public Library  
General Reference Department  
1026 E. Kearsley Street  
Flint, MI 48502  
(313) 232-7111

## Lansing:

Thomas M. Cooley Law School  
Library  
U.S. Documents Collection  
217 South Capitol Avenue  
Lansing, MI 48901  
(517) 371-5140

## Marquette:

Government Documents Department  
Olson Library  
Northern Michigan University  
Marquette, MI 49855  
(906) 227-2112

## Mount Clemens:

Macomb County Library  
16480 Hall Road  
Mount Clemens, MI 48044  
469-5300

## Mt. Pleasant:

Library - Documents Department  
Central Michigan University  
Mt. Pleasant, MI 48859  
(517) 774-3414

## Pontiac:

Adams-Pratt Oakland County Law  
Library  
1200 N. Telegraph Road  
Pontiac, MI 48053  
  
Oakland Schools Library\*  
2100 Pontiac Lake Road  
Pontiac, MI 48054

## Rochester:

Kresge Library  
Documents Department  
Oakland University  
Squirrel/Walton  
Rochester, MI 48063  
(313) 377-2476

## Saginaw:

Public Libraries of Saginaw  
505 Janes  
Saginaw, MI 48605  
(517) 755-0904

## Traverse City:

Mark Osterlin Library  
Documents Department  
Northwestern Michigan College  
1701 East Front Street  
Traverse City, MI 49684  
(616) 946-5650, ext. 540

## University Center:

Learning Resources Center  
Delta College  
University Center, MI 48710

## MINNESOTA

## Bemidji:

Documents Section  
A. C. Clark Library  
Bemidji State University  
Bemidji, MN 56601  
(218) 755-2958

## Blaine:

Anoka County Library  
707 Highway 10  
Blaine, MN 55434

## Cambridge:

East Central Regional Library\*  
Cambridge, MN 55008

## Duluth:

Duluth Public Library  
520 W. Superior Street  
Duluth, MN 55802  
(218) 723-3804

## Edina:

Southdale-Hennepin Area Library  
7001 York Avenue South  
Edina, MN 55435  
(612) 830-4900

## Mankato:

Memorial Library  
Mankato State University  
Box 19  
Mankato, MN 56001  
(507) 389-6201

## Minneapolis:

Minnesota Hospital Association  
Library  
2333 University Ave. S.E.  
Minneapolis, MN 55414  
(612) 331-5571

Government Publications Division  
409 Wilson Library  
University of Minnesota  
Minneapolis, MN 55455  
(612) 373-7813

## St. Paul:

Minnesota State Law Library  
117 University Avenue  
St. Paul, MN 55155  
(612) 296-2775

Government Publications Office  
St. Paul Public Library  
90 West Fourth Street  
St. Paul, MN 55102  
292-6178

## Stillwater:

Stillwater Public Library  
223 North Fourth Street  
Stillwater, MN 55082  
439-1675

## Twin Cities:

Field Solicitor, Law Library  
U.S. Department of the Interior  
686 Federal Building, Fort Snelling  
Twin Cities, MN 55111

## Winona:

Maxwell Library  
Government Documents  
Winona State University  
Winona, MN 55987  
(507) 457-5148

## MISSISSIPPI

## Gulfport:

Harrison County Law Library  
1st Judicial Courthouse  
1801 23rd Avenue  
Gulfport, MS 39501  
(601) 864-5161 ext. 336

## Jackson:

H. T. Sampson Library  
Jackson State University  
Jackson, MS 39217

## MISSOURI

## Cape Girardeau:

Kent Library  
Southeast Missouri State University  
Cape Girardeau, MO 63701  
(314) 651-2000

## Columbia:

Ellis Library  
University of Missouri-Columbia  
Columbia, MO 65201  
(314) 882-6733  
  
University of Missouri-Columbia  
Law Library  
Tate Hall  
Columbia, MO 65211  
(314) 882-4597



## MISSOURI—Continued

## Fulton:

Reeves Library  
Westminster College  
Fulton, MO 65251  
(314) 642-3361

## Jefferson City:

Missouri State Library  
308 E. High Street  
P.O. Box 387  
Jefferson City, MO 65102  
(314) 751-4552

## Joplin:

Spiva Library  
Missouri Southern State College  
Newman & Duquesne Roads  
Joplin, MO 64801  
(417) 625-9386

## Kansas City:

Kansas City Public Library  
311 East 12th Street  
Kansas City, MO 64106  
(816) 221-2685

Government Documents Department  
General Library  
University of Missouri-Kansas City  
5100 Rockhill Road  
Kansas City, MO 64110  
(816) 276-1536

## Kirkville:

Pickler Memorial Library  
Northeast Missouri State University  
Kirkville, MO 63501  
(816) 785-4534

## Liberty:

Charles F. Curry Library  
Government Documents  
William Jewell College  
Liberty, MO 64068  
(816) 781-3806, ext. 293

## Maryville:

B. D. Owens Library  
Northwest Missouri State University  
Maryville, MO 64468

## Rolla:

Curtis Laws Wilson Library  
University of Missouri-Rolla  
Rolla, MO 65401  
(314) 341-4227

## St. Charles:

Butler Library  
Lindenwood College  
St. Charles, MO 63301  
(314) 946-6912, ext. 329

## St. Joseph:

St. Joseph Public Library  
Tenth and Felix Streets  
St. Joseph, MO 64501  
(816) 232-7729

## St. Louis:

Maryville College Library  
Government Documents  
13550 Conway Rd.  
St. Louis, MO 63141  
(314) 576-9300

## Missouri Botanical Garden\*

(back issues held 1 year)  
2345 Tower Grove Avenue  
St. Louis, MO 63110  
(314) 772-7600

## St. Louis County Library

1640 S. Lindbergh Blvd.  
St. Louis, MO 63131  
(314) 994-3300

## Documents Department

St. Louis Public Library  
1301 Olive Street  
St. Louis, MO 63103  
(314) 241-2288, ext. 375

## Documents Department

Pius XII Memorial Library  
St. Louis University  
3655 West Pine Boulevard  
St. Louis, MO 63108  
(314) 658-3105

## Thomas Jefferson Library

University of Missouri-St. Louis  
8001 Natural Bridge Road  
St. Louis, MO 63144  
(314) 453-5954

## Washington University Law Library

Documents Department  
Campus Box 1120  
St. Louis, MO 63130  
(314) 889-6484

## Sedalia:

State Fair Community College Library  
1900 Clarendon Road  
Sedalia, MO 65301

## Springfield:

Walker Library  
Drury College  
Springfield, MO 65802

## Southwest Missouri State University

The Library  
Springfield, MO 65802  
(417) 831-1561

## Warrensburg:

Ward Edwards Library  
Central Missouri State University  
Warrensburg, MO 64093  
(816) 429-4149

## MONTANA

## Billings:

Bureau of Land Management  
Library  
P.O. Box 30157  
Billings, MT 59107

Field Solicitor, Law Library  
U.S. Department of the Interior  
P.O. Box 1538  
Billings, MT 59103

## NEBRASKA

## Kearney:

Calvin T. Ryan Library  
Kearney State College  
Kearney, NE 68847

## Lincoln:

Nebraska Library Commission  
1420 P Street  
Lincoln, NE 68508  
(402) 471-2045

## University of Nebraska-Lincoln

Libraries  
Lincoln, NE 68588

## Norfolk:

Northeast Technical Community  
College  
801 E. Benjamin Avenue  
Norfolk, NE 68701  
(402) 371-2020

## Wayne

U. S. Conn Library  
Wayne State College  
Wayne, NE 68787  
(402) 375-2200, ext. 213

## NEVADA

## Carson City:

Nevada State Library  
Capitol Complex  
Carson City, NV 89710  
(702) 885-5160

## Reno:

Government Publications Department  
University of Nevada Library  
Reno, NV 89557  
(702) 784-6579

## NEW HAMPSHIRE

## Concord:

Law Division, State Library  
Supreme Court Building  
Loudon Road  
Concord, NH 03301  
(603) 271-3777

## New London:

Fernald Library  
Colby-Sawyer College  
New London, NH 03257

## NEW JERSEY

## Bloomfield:

Bloomfield Public Library  
90 Broad Street  
Bloomfield, NJ 07003  
(201) 429-9292

## Bridgeton:

Cumberland County Library  
800 East Commerce Street  
Bridgeton, NJ 08302

## East Orange:

East Orange Public Library  
21 South Arlington Avenue  
East Orange, NJ 07018

## Elmer:

Arthur P. Schalick High School  
Elmer-Centerton Road  
R.D. 1  
Elmer, NJ 08318



## NEW JERSEY—Continued

## Hackensack:

Johnson Free Public Library  
Hackensack Area Reference Library  
275 Moore Street  
Hackensack, NJ 07601

## Jersey City:

Hudson Health Systems Agency  
Library  
871 Berger Avenue  
Jersey City, NJ 07306

## Lawrenceville:

Franklin F. Moore Library  
Rider College  
Lawrenceville, NJ 08648  
(609) 896-5115

## Mahwah:

Ramapo College Library  
505 Ramapo Valley Road  
Mahwah, NJ 07430

## Montclair:

Montclair Public Library  
50 S. Fullerton Avenue  
Montclair, NJ 07042  
(201) 744-0500

## Newark:

Newark Public Library  
5 Washington Street  
P.O. Box 630  
Newark, NJ 07101  
(201) 733-7782

## Paterson:

Paterson Free Public Library  
250 Broadway  
Paterson, NJ 07501  
(201) 881-3750

## Pomona:

Stockton State College  
Pomona, NJ 08240  
(609) 652-1776, ext. 266

## Toms River:

Ocean County College  
Learning Resources Center  
College Drive  
Toms River, NJ 08753  
(201) 255-4000 ext. 385

## Trenton:

New Jersey State Law Library  
185 West State Street  
P.O. Box 1898  
Trenton, NJ 08625  
(609) 292-6230

## Voorhees:

Camden County Library  
Echelon Urban Center  
Laurel Road  
Voorhees, NJ 08043  
(609) 772-1636

## Wayne:

Wayne Public Library  
475 Valley Road  
Wayne, NJ 07470  
(201) 694-4272

## NEW MEXICO

## Albuquerque:

The University of New Mexico  
General Library  
Albuquerque, NM 87131  
(505) 277-4241 and 277-5441

The University of New Mexico  
School of Law Library  
1117 Stanford NE  
Albuquerque, NM 87131  
(505) 277-6236

## Las Vegas:

New Mexico Highlands University  
Donnelly Library  
Las Vegas, NM 87701

## Portales:

Golden Library  
Documents Department  
Eastern New Mexico University  
Portales, NM 88130

## Santa Fe:

New Mexico State Library  
300 Don Gaspar  
Santa Fe, NM 87503  
(505) 827-2033

Office of the Solicitor, Law Library  
U.S. Department of the Interior  
U.S. Courthouse, Room 224  
P.O. Box 1042  
Santa Fe, NM 87501

## Silver City:

Miller Library  
Western New Mexico University  
Silver City, NM 88061

## NEW YORK

## Albany:

The New York State Library  
The State Education Department  
Cultural Education Center  
Empire State Plaza  
Albany, NY 12230  
(518) 474-5943

## Brooklyn:

Brooklyn Public Library  
Business Library  
280 Cadman Plaza West  
Brooklyn, NY 11201  
(212) 780-7800

## Corning:

The Arthur A. Houghton, Jr. Library  
Corning Community College  
Corning, NY 14830  
(607) 962-9251

## Garden City:

Adelphi University  
Swirbul Library  
South Avenue  
Garden City, NY 11530  
(516) 294-8700 ext. 7345

## Geneseo:

State University of New York at  
Geneseo  
Milne Library  
Government Documents  
Geneseo, NY 14454

## Greenvale:

C. W. Post Center—Long Island  
University  
B. Davis Schwartz Memorial Library  
Greenvale, NY 11548

## New Paltz:

Government Documents Department  
Sojourner Truth Library  
State University College  
New Paltz, NY 12561  
(914) 257-2252

## Niagara Falls:

Niagara Falls Public Library  
1425 Main Street  
Niagara Falls, NY 14305  
(716) 278-8113

## Oswego:

State University of New York at  
Oswego  
Oswego, NY 13126  
(315) 341-4267

## Rochester:

Rochester Public Library  
Business and Social Science Division  
115 South Avenue  
Rochester, NY 14604  
(716) 428-7342

## Schenectady:

Schenectady County Public Library  
Liberty and Clinton Streets  
Schenectady, NY 12305

## Syracuse:

Reference Department  
Onondaga County Public Library  
335 Montgomery Street  
Syracuse, NY 13202  
475-8458

## Uniondale:

Nassau Library System  
900 Jerusalem Avenue  
Uniondale, NY 11553  
(516) 292-8920

## NORTH CAROLINA

## Asheboro:

Asheboro Public Library  
201 Worth Street  
Asheboro, NC 27203  
(919) 629-3329

## Boone:

Regional Information Center  
Region D Council of Governments  
P.O. Box 1820  
Boone, NC 28607

## Charlotte:

Public Library of Charlotte and  
Mecklenburg County  
310 N. Tryon Street  
Charlotte, NC 28202  
(704) 374-2540

## Durham:

William Perkins Library  
Public Documents Department  
Duke University  
Durham, NC 27706  
(919) 684-2380



## NORTH CAROLINA—Continued

## Gastonia:

Gaston County Public Library\*  
Headquarters: Gaston-Lincoln  
Regional Library  
1555 East Garrison Boulevard  
Gastonia, NC 28052  
(704) 865-3418

## Greenville:

J. Y. Joyner Library  
East Carolina University  
Greenville, NC 27834

## Raleigh:

Documents Department  
The D. H. Hill Library  
North Carolina State University  
Box 5007  
Raleigh, NC 27650

North Carolina Supreme Court Library  
2 East Morgan Street  
P.O. Box 28006  
Raleigh, NC 27611  
(919) 733-3425

## Winston-Salem:

Forsyth County Public Library  
660 West Fifth Street  
Winston-Salem, NC 27101  
(919) 727-2220

## NORTH DAKOTA

## Bismarck:

Bismarck Junior College\*  
Schafer Heights  
Bismarck, ND 58501

North Dakota State Library  
Highway 83 North  
Bismarck, ND 58505  
224-2490

Office of Program Planning\*  
All Nations Circle - Bldg. 35  
United Tribes Educational Technical  
Center  
3315 South Airport Road  
Bismarck, ND 58501

## OHIO

## Athens:

Government Documents Department  
Ohio University Library  
Athens, OH 45701  
(614) 594-5604

## Cincinnati:

Municipal Reference Library  
224 City Hall  
Cincinnati, OH 45202

National Institute for Occupational  
Safety and Health  
Division of Technical Services  
Robert A. Taft Laboratories  
4676 Columbia Parkway  
Cincinnati, OH 45226

## Cleveland:

Cleveland Public Library  
325 Superior Avenue  
Cleveland, OH 44114

Cleveland Regional Sewer District\*  
Library

Administrative Offices  
801 Rockwell Avenue  
Cleveland, OH 44114  
(216) 781-6600 ext. 219

## Cleveland Heights:

Cleveland Heights—University  
Heights Public Library  
2345 Lee Road  
Cleveland Heights, OH 44118  
(216) 932-3600

## Columbus

The State Library of Ohio  
65 South Front Street  
Columbus, OH 43215  
(614) 466-2694

## Dayton:

University Library  
Wright State University  
Dayton, OH 45435

## Findlay:

Marathon Oil Company  
Law Library, Room 854-M  
539 South Main Street  
Findlay, OH 45840  
(419) 422-2121 ext. 3376

Safer Library  
Findlay College  
1000 N. Main Street  
Findlay, OH 45840  
(419) 422-8313

## Marion:

Marion Public Library\*  
445 E. Church Street  
Marion, OH 43302  
(614) 387-0992

## Toledo:

Toledo-Lucas County Public Library  
Social Science Department  
325 Michigan Street  
Toledo, OH 43624  
(419) 255-7055 ext. 221

## Wooster:

Andrews Library  
The College of Wooster  
Wooster, OH 44691

## OKLAHOMA

## Aradarko:

Field Solicitor, Law Library  
U.S. Department of the Interior  
P.O. Box 397  
Aradarko, OK 73005

## Norman:

Law Library  
University of Oklahoma  
300 Timberdell  
Norman, OK 73019

## Oklahoma City:

Metropolitan Library System  
Main Library  
131 Dean A. McGee Avenue  
Oklahoma City, OK 73102  
(405) 631-1149

Oklahoma Department of Libraries  
U.S. Documents Regional Depository  
200 N.E. 18th Street  
Oklahoma City, OK 73105  
(405) 521-2502

## Pawhuska:

Field Solicitor, Law Library  
U.S. Department of the Interior  
c/o Osage Agency  
Pawhuska, OK 74056

## Stillwater:

Documents Department  
Edmon Low Library  
Oklahoma State University  
Stillwater, OK 74074  
(405) 624-6546

## Tulsa:

Office of the Regional Solicitor, Law  
Library  
U.S. Department of the Interior  
P.O. Box 3156  
Tulsa, OK 74101

## OREGON

## Eugene:

University of Oregon Library  
Government Documents Section  
Eugene, OR 97403  
(503) 686-3070

## Portland:

Library Association of Portland  
(Multnomah County Library)  
801 S.W. 10th Avenue  
Portland, OR 97205  
223-7201

## Salem:

Oregon State Library  
State Library Building  
Salem, OR 97310  
(503) 378-4276

## PENNSYLVANIA

## Aliquippa:

B.F. Jones Memorial Library\*  
Aliquippa District Center  
663 Franklin Avenue  
Aliquippa, PA 15001  
(412) 375-7174

## Allentown:

The John A. W. Haas Library  
Muhlenberg College  
Allentown, PA 18104

## Dallas:

Library  
College Misericordia  
Dallas, PA 18612

## Harmony:

Library  
Seneca Valley Senior High School\*  
Southwest Butler County School  
District  
R.D. 2  
Harmony, PA 16037

## Harrisburg:

State Library of Pennsylvania  
Box 1601  
Harrisburg, PA 17126  
(717) 787-7343



## PENNSYLVANIA—Continued

## Hazleton:

Hazleton Area Public Library  
Church and Maple Streets  
Hazleton, PA 18201  
454-2961/454-0244

## Johnstown:

Cambria County Library System  
248 Main Street  
Johnstown, PA 15901  
(814) 536-5131

## Lancaster:

Fackenthal Library  
Franklin and Marshall College  
P.O. Box 3003  
Lancaster, PA 17604  
(717) 291-4210

## Loretto:

Pius XII Memorial Library  
Saint Francis College  
Loretto, PA 15940

## Millersville:

Millersville State College  
Millersville, PA 17551

## Vein

Stayer R & L Center  
Millersville State College  
Millersville, PA 17551  
(717) 872-5411 ext. 552, 542

## Newtown:

The Library  
Bucks County Community College  
Newtown, PA 18940

## Philadelphia:

Government Publications Department  
Free Library of Philadelphia  
Logan Square  
Philadelphia, PA 19103

## Pittsburgh:

Baldwin Borough Public Library  
3344 Churchview Avenue  
Pittsburgh, PA 15227

U.S. Bureau of Mines  
Library

4800 Forbes Avenue  
Pittsburgh, PA 15213

## Shippensburg:

Ezra Lehman Memorial Library  
Shippensburg State College  
Shippensburg, PA 17257

## Somerset:

Somerset State Hospital Library  
Box 631  
Somerset, PA 15501  
(814) 445-6501, ext. 216

## Swarthmore:

The Swarthmore College Library  
The McCabe Library  
Swarthmore, PA 19081  
(215) KI 4-7900

## Warren:

Warren Library Association  
205 Market Street  
Warren, PA 16365

## Washington:

Washington County Law Library  
Courthouse  
Washington, PA 15301  
(412) 228-6747

## West Chester:

Francis Harvey Green Library\*  
West Chester State College  
West Chester, PA 19380  
(215) 436-2869

## Wilkes-Barre:

Institute of Regional Affairs\*  
Wilkes College  
Wilkes-Barre, PA 18703

## RHODE ISLAND

## Kingston:

Government Publications Office  
University of Rhode Island  
Library  
Kingston, RI 02881  
(401) 792-2602

## Providence:

Brown University Library  
Documents Department  
Providence, RI 02912  
(401) 863-2522

Providence Public Library  
150 Empire Street  
Providence, RI 02903  
(401) 521-7722

Rhode Island College  
James P. Adams Library  
Documents Department  
600 Mt. Pleasant Avenue  
Providence, RI 02908  
(401) 274-4900 ext. 331

## Warwick:

Warwick Public Library  
600 Sandy Lane  
Warwick, RI 02886  
(401) 739-5440

## SOUTH CAROLINA

## Charleston:

Baptist College of Charleston  
P. O. Box 10087  
Charleston, SC 29411  
Charleston County Library  
404 King Street  
Charleston, SC 29403

## Citadel

Charleston, SC 29409  
College of Charleston  
66 George Street  
Charleston, SC 29401

## Clemson:

Clemson University  
Clemson, SC 29631

## Columbia:

Benedict College  
Blanding & Harden Streets  
Columbia, SC 29204

Richland County Public Library  
1400 Sumter Street  
Columbia, SC 29201

South Carolina State Library  
1500 Senate Street  
Columbia, SC 29201

University of South Carolina  
Columbia, SC 29208

## Conway:

Coastal Carolina (of University of SC)  
Route 6  
Conway, SC 29526

## Due West:

Erskine College\*  
Due West, SC 29639

## Florence:

Florence County Library  
319 S. Irby Street  
Florence, SC 29501

Francis Marion College  
Florence, SC 29501

## Greenville:

Furman University  
Greenville, SC 29613

Greenville County Library  
300 College Street  
Greenville, SC 29601

## Greenwood:

Larry A. Jackson Library  
Lander College  
Greenwood, SC 29646

## Orangeburg:

South Carolina State College  
College Avenue  
Orangeburg, SC 29117

## Rock Hill:

Winthrop College  
Rock Hill, SC 29733

## Spartanburg:

Spartanburg County Library  
P. O. Box 2409  
333 S. Pine Street  
Spartanburg, SC 29304

## Sumter:

Sumter County Library  
111 North Harvin Street  
Sumter, SC 29150  
773-7273

## SOUTH DAKOTA

## Brookings:

H. M. Briggs Library  
South Dakota State University  
Brookings, SD 57007  
(605) 688-5106

## Rapid City:

Devereaux Library  
South Dakota School of Mines &  
Technology  
Rapid City, SD 57701  
(605) 394-2418



Sioux Falls:  
Sioux Falls Public Library  
201 N. Main Avenue  
Sioux Falls, SD 57101

**TENNESSEE**

Chattanooga:  
Hamilton County Bicentennial Library  
Business, Science and Technology  
Department  
1001 Broad Street  
Chattanooga, TN 37402  
(615) 757-5312

Clarksville:  
Woodward Library  
Austin Peay State University  
Clarksville, TN 37040  
(615) 648-7346

Martin:  
Paul Meek Library  
University of Tennessee at Martin  
Martin, TN 38238  
(901) 587-7065

Nashville:  
Documents Unit  
Joint University Libraries  
Nashville, TN 37203  
Tennessee State Library  
Tennessee State Library and Archives  
403 Seventh Avenue North  
Nashville, TN 37219  
(615) 741-2451

**TEXAS**

Amarillo:  
Amarillo Public Library\*  
City of Amarillo  
P.O. Box 2171  
413 E. 4th  
Amarillo, TX 79189  
Field Solicitor  
U.S. Department of the Interior  
P.O. Box H-4393, Herring Plaza  
Amarillo, TX 79101

Austin:  
The State Law Library  
Supreme Court Building  
P.O. Box 12367, Capitol Station  
Austin, TX 78711  
(512) 475-3807

College Station:  
Documents Division  
University Libraries  
Texas A & M University  
College Station, TX 77843

Dallas:  
Dallas County Law Library  
Government Center  
Dallas, TX 75202  
749-8481  
U.S. Environmental Protection Agency  
Region VI  
1201 Elm Street  
Dallas, TX 75270

Denton:  
Texas Woman's University Library  
Box 23715, TWU Station  
Denton, TX 76204  
(817) 566-6415

El Paso:  
El Paso Public Library  
Documents Section  
501 North Oregon Street  
El Paso, TX 79901  
(915) 543-3808

Hurst:  
Hurst Public Library  
901 Precinct Line Road  
Hurst, TX 76053  
(817) 485-5320

Killeen:  
Oveta Culp Hobby Library  
American Educational Complex  
U.S. Hwy 190 W.  
Killeen, TX 76541  
(817) 526-1237

Lubbock:  
School of Law Library  
Texas Tech University  
Lubbock, TX 79409

Victoria:  
Documents Department  
VC/UHVC Library  
2602 N. Ben Jordan  
Victoria, TX 77901  
(512) 576-3151, ext. 201  
(512) 573-3291

**UTAH**

Cedar City:  
Southern Utah State College Library  
Cedar City, UT 84720

Ephraim:  
Lucy A. Phillips Library  
Snow College  
Ephraim, UT 84627

Logan:  
Documents Department  
Merrill Library, UMC 30  
Utah State University  
Logan, UT 84322

Ogden:  
Weber State College Library  
Ogden, UT 84403

Provo:  
Harold B. Lee Library  
Documents and Maps Section  
Brigham Young University  
Provo, UT 84602

Law Library  
Brigham Young University  
Provo, UT 84602

Salt Lake City:  
Regional Solicitor  
U.S. Department of the Interior  
Suite 6201, Federal Building  
125 South State Street  
Salt Lake City, UT 84138

Supreme Court Library  
State Capitol  
Salt Lake City, UT 84114

College of Law Library  
University of Utah  
Salt Lake City, UT 84112

Government Documents  
Eccles Health Sciences Library  
University of Utah, Bldg. 89  
Salt Lake City, UT 84112

Government Documents Division  
Marriott Library  
University of Utah  
Salt Lake City, UT 84112  
Utah State Library Commission  
2150 South 300 West, Suite 16  
Salt Lake City, UT 84115

**VERMONT**

Burlington:  
Bailey/Howe Library  
Documents Department  
University of Vermont  
Burlington, VT 05405

Middlebury:  
Egbert Starr Library  
Government Documents Department  
Middlebury College  
Middlebury, VT 05753

South Royalton:  
Law Library  
Vermont Law School  
South Royalton, VT 05068  
(802) 763-8303

**VIRGINIA**

Alexandria:  
Alexandria Library\*  
717 Queen Street  
Alexandria, Va. 22314  
(703) 838-4555

Arlington:  
Office of Hearings and Appeals  
Library  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, VA 22203

Chesapeake:  
Chesapeake Public Library  
300 Cedar Road  
Chesapeake, VA 23320  
(804) 547-6591

Danville:  
Danville Community College Library  
1009 Bonner Avenue  
Danville, VA 24541  
(804) 797-3553

Fairfax:  
Fairfax City Central Library  
3915 Chain Bridge Road  
Fairfax, VA 22030  
(703) 691-2741

Fenwick Library  
George Mason University  
4400 University Drive  
Fairfax, VA 22030

Lynchburg  
The Library  
Lynchburg College  
Lynchburg, VA 24501

Norfolk:  
Norfolk Public Library System  
301 East City Hall Avenue  
Norfolk, VA 23510



## VIRGINIA—Continued

## Reston:

U.S. Geological Survey  
Library  
National Center, Mail Stop 950  
Reston, VA 22092

## Richmond:

Learning Resources Center  
Parham Road Campus  
J. Sargeant Reynolds Community  
College  
P.O. Box 12084  
Richmond, VA 23241  
(804) 264-3220

Municipal Library  
County of Henrico  
Hungary Springs & Parham Roads  
Richmond, VA 23228

Virginia State Library  
11th & Capitol Streets  
Richmond, VA 23219

## Roanoke:

Roanoke Law Library  
210 Campbell Avenue, SW  
Roanoke, VA 24011

## Virginia Beach:

Public Law Library  
Municipal Center  
City of Virginia Beach  
Virginia Beach, VA 23456

## Williamsburg:

Documents Department  
Earl Gregg Swem Library  
College of William and Mary  
Williamsburg, VA 23185

## WASHINGTON

## Bellingham:

Documents Division, Wilson Library  
Western Washington University  
516 High Street  
Bellingham, WA 98225  
(206) 676-3075

## Cheney:

Eastern Washington University  
The Library  
Cheney, WA 99004  
(509) 359-2475

## Everett:

Everett Public Library  
2702 Hoyt Avenue  
Everett, WA 98201  
(206) 259-8857

Snohomish County Law Library  
County Courthouse  
Everett, WA 98201  
(206) 259-5326

## Midway:

Highline Community College  
Library 25-2  
Midway, WA 98032  
(206) 878-3710, ext. 232

## Olympia:

Washington State Law Library  
Temple of Justice  
Olympia, WA 98504  
Washington State Library  
Document Section  
Olympia, WA 98504  
(206) 753-4027

## Port Angeles:

North Olympic Library System  
207 So. Lincoln  
Port Angeles, WA 98362

## Spokane:

Gonzaga University Law Library  
E. 600 Sharp Avenue  
P.O. Box 3528  
Spokane, WA 99220  
Spokane Public Library  
West 906 Main Avenue  
Spokane, WA 99201  
(509) 838-3361

## WEST VIRGINIA

## Beckley:

National Mine Health and Safety  
Academy  
Learning Resources Center  
P.O. Box 1166  
Beckley, WV 25801

## Charleston:

Kanawha County Public Library  
123 Capitol Street  
Charleston, WV 25301  
(304) 343-4646

## Montgomery:

Vining Library  
West Virginia Institute of Technology  
Montgomery, WV 25136

## Weirton:

Mary H. Weir Public Library  
3442 Main Street  
Weirton, WV 26062  
(304) 748-7070

## WISCONSIN

## Appleton:

Appleton Public Library  
121 South Oneida Street  
Appleton, WI 54911  
734-7171

## Green Bay:

University of Wisconsin—Green Bay  
Library Learning Center  
Government Publications  
Green Bay, WI 54302

## Kenosha:

Library/Learning Center  
University of Wisconsin—Parkside  
Wood Road  
Kenosha, WI 53141

## Ladysmith:

Mount Senario College Library  
Ladysmith, WI 54848

## Madison:

Madison Public Library  
201 W. Mifflin Street  
Madison, WI 53703  
(608) 266-6363

## Milwaukee:

Milwaukee County  
Law Library  
Courthouse, Room 307  
901 North 9th Street  
Milwaukee, WI 53233  
278-4322

## WYOMING

## Gillette:

George Amos Memorial Library  
412 S. Gillette Avenue  
Gillette, WY 82716  
(307) 682-3223

## Laramie:

Coe Library—Documents Division  
University of Wyoming  
Box 3334, University Station  
Laramie, WY 82071  
(307) 766-2174



# FRIDAY APRIL 3, 1987 Part III Department of the Interior National Park Service 36 CFR Part 9 Mining and Mining Claims; Proposed Rule

Friday  
April 3, 1987

## Part III

## Department of the Interior

### National Park Service

#### 36 CFR Part 9

#### Mining and Mining Claims; Proposed Rule



## DEPARTMENT OF THE INTERIOR

## National Park Service

## 36 CFR Part 9

## Mining and Mining Claims

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The National Park Service (NPS) is publishing for public review and comment revisions to existing NPS regulations at 36 CFR Part 9, Subpart A. These regulations govern the exercise of mineral rights within National Park System units in connection with patented and valid unpatented mining claims held under the Mining Law of 1872. The existing regulations were promulgated in 1977. This revision is intended to clarify the scope of the regulations and the relationship of these regulations to those governing access in Alaska at 43 CFR Part 36.

**DATE:** Comments must be received on or before May 18, 1987.

**ADDRESS:** Please submit written comments to the Land Resources Division (660), National Park Service, P.O. Box 37127, Washington, DC 20013-3127.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carol McCoy (Room 3223), Land Resources Division (660), National Park Service, P.O. Box 37127, Washington, DC 20013-3127, (202) 343-4630.

## SUPPLEMENTARY INFORMATION:

## Background

The Mining Law of 1872 (30 U.S.C. 21 *et seq.*) opened all public lands, except those specifically exempted, to prospecting by individuals and companies for valuable deposits of minerals. Those who properly locate valuable mineral deposits and properly record their claims with the appropriate governmental offices gain the right to extract minerals and use the land within the boundaries of their claims for mineral development. These rights are maintained as long as the claimant fulfills the requirements for retaining the claims. In addition, a valid mineral discovery affords the claimant the option to take the claim to patent, whereby the claimant acquires title to the property within the boundary of the claim.

When units of the National Park System were established after the enactment of the 1872 Mining Law, the units were statutorily closed to the operation of the mining laws with the exception of the following six units: Death Valley National Monument, Crater Lake National Park, Mt.

McKinley National Park (now part of Denali National Park and Preserve), Glacier Bay National Monument (now part of Glacier Bay National Park and Preserve), Coronado National Memorial, and Organ Pipe Cactus National Monument. Although all NPS units have now been closed to the location of new mining claims, twenty-seven National Park System units have mining claims within their boundaries. These claims were either located during the period when the units enumerated above were open to the location of mining claims, or on public lands that were later incorporated into a new or expanded unit of the National Park System. Where these claims have not been extinguished by Federal acquisition, through successful challenge to their validity, or through the failure of claimants to comply with procedural requirements, the claimants continue to have a legal right to develop minerals.

In 1976 Congress passed the Mining in the Parks Act (16 U.S.C. 1901 *et seq.*, hereinafter referred to as "the Act"). Among other things, the Act directed the Secretary of Interior to promulgate regulations to control "all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any area of the National Park System . . ." (16 U.S.C. 1902).

The National Park Service promulgated its existing mining regulations, contained in 36 CFR Part 9, Subpart A, on January 26, 1977, pursuant to the Mining in the Parks Act. The regulations govern all mineral activities within all units of the National Park System in connection with both patented and valid unpatented claims located under the 1872 Mining Law, no matter when the claim was located or patented.

Since the existing NPS mining regulations were promulgated, the acreage of the National Park System has more than doubled due to the addition of vast areas in Alaska. Though now closed to mineral entry, many of the new or expanded units in Alaska contain mining claims located prior to the withdrawal of the land. Mining activities associated with these claims are subject to the requirements of 36 CFR Part 9, Subpart A.

To avoid confusion and to facilitate review, an analysis of the proposed revisions is presented below.

*Existing § 9.1 Purpose and scope.*

The revision to the existing regulations at § 9.1 proposed by the NPS is intended to clarify that the regulations at 36 CFR Part 9, Subpart A control all activities within NPS units resulting

from the exercise of valid mineral rights to patented and unpatented mining claims without regard to how access is gained to a claim or whether a claim was located before or after the incorporation of lands into the National Park System. There has been some confusion concerning whether the regulations apply if an operator gains access to a claim without crossing federally-owned or controlled lands or waters. Thus, the proposed language clarifies that the regulations are applicable to all claims, not only those claims where access is on, through or across federally-owned or controlled lands or waters.

In addition, the proposed additional language is intended to address any confusion that may have resulted from the September 4, 1986 (51 FR 31619) rulemaking at 43 CFR Part 36, governing transportation and utility systems and access in Alaska pursuant to the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101). ANILCA guarantees, subject to reasonable regulations, adequate and feasible access to inholdings, including valid mining claims, within or effectively surrounded by NPS units and other conservation system units in Alaska. As a result of this statute, the National Park Service first promulgated regulations at 36 CFR 13.10-15 on June 17, 1981, governing access within and across NPS units in Alaska.

The regulations at 36 CFR 13.15(d)(1) stated that ". . . no plan of operations is required for patented claims where access is not across federally-owned parklands." The Departmental rulemaking of September 4, 1986 at 43 CFR Part 36 repealed 36 CFR 13.15(d) without explaining why. This proposed regulation clarifies that the provisions of § 13.15(d)(1) will no longer apply. Since the Mining in the Parks Act authorizes the Secretary to regulate all activities in NPS units resulting from the exercise of valid existing mineral rights on patented and unpatented claims without regard to how access is gained, and since ANILCA does not amend the Mining in the Parks Act, there is no reason for the exception in Alaska.

While ANILCA guarantees inholders, including holders of valid mining claims, adequate and feasible access subject to reasonable regulations, ANILCA does not exempt operators on claims within NPS units, where access is not across federally-owned parklands, from the 36 CFR Part 9, Subpart A regulations. Thus, the Department, upon reevaluation of this issue, finds no basis for a rule that exempts operators from the plan of operations requirements because they



conduct operations on patented claims where access is not across federally-owned parklands.

#### *Existing § 9.3 Access permits.*

The provisions of 36 CFR 9.3 set forth the requirements for access to mining claims within NPS units and to mining claims located outside NPS units where access is sought across an NPS unit. However, access to valid mining claims in Alaska is governed by the provisions of ANILCA, as implemented by the September 4, 1986 rulemaking. As a result, 36 CFR 9.3 is amended to state that the provisions of § 9.3 (a), (b), and (c) are inapplicable in Alaska. Please note that while operators in Alaska may gain access to their valid mining claims within NPS units under the regulations at 43 CFR Part 36 without first possessing an NPS approved plan of operations, they may not conduct any other activity that constitutes "operations" as defined in § 9.2(h) without NPS approved plans of operations. All operators who propose to conduct operations on any valid mining claim within the exterior boundaries of any NPS unit in Alaska must possess an approved plan of operations.

#### **Public Participation**

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. Because communications can be difficult in Alaska where a number of parties concerned with these proposed regulations live, the NPS is providing a 45 day public comment period rather than the customary 30 days.

#### **Drafting Information**

The primary authors of this rulemaking are Frank Buono and Carol McCoy (Washington Office, NPS), Floyd Sharrock (Alaska Regional Office, NPS) and Brian Koula (Office of the Solicitor).

#### **Federal Paperwork Reduction Act**

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

#### **Compliance With Other Laws**

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331, *et seq.*), the NPS has prepared an environmental assessment of these proposed regulations. This assessment examines whether implementation of the proposed regulations will be a major Federal action that would have a significant effect on the quality of the human environment, requiring the preparation of an environmental impact statement. The assessment is on file in the Land Resources Division of the National Park Service: Room 3223, Main Interior Building, 18th and C Streets NW., Washington, DC (P.O. Box 37127, WASO 660, Washington, DC 20013-7127); and 11011 W. 6th Avenue, Denver, Colorado (P.O. Box 25287, Denver, Colorado 80225); and at the National Park Service Alaska Regional Office, 2525 Gambell Street, Room 206, Anchorage, Alaska 99503. The environmental assessment will be available for public inspection and comment for a period beginning April 3, 1987 and running concurrently thereafter with the comment period for these proposed regulations.

#### **List of Subjects in 36 CFR Part 9**

Environmental protection, Mines, National Parks, Oil and gas exploration, Public Lands—Minerals resources, Public lands—Rights-of-way.

#### **PART 9—[AMENDED]**

For reasons set out in the preamble, it is proposed to amend Title 36, Chapter I, Part 9, Subpart A of the Code of Federal Regulations as follows:

1. The authority citation for Part 9 continues to read as follows:

**Authority:** Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 *et seq.*); Act of August 25, 1916 (39 Stat. 535, as amended (16 U.S.C. 1 *et seq.*); Act of September 28, 1976; 90 Stat. 1342 (16 U.S.C. 1901 *et seq.*).

2. Section 9.1 is revised to read as follows:

#### **§ 9.1 Purpose and scope.**

These regulations control all activities within units of the National Park System resulting from the exercise of valid existing mineral rights on claims without regard to the means or route by which the operator gains access to the claim. The purpose of these regulations is to insure that such activities are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof was created, to prevent or minimize damage to the environment or other resource values, and to insure that the pristine beauty of the units is preserved for the benefit of present and future generations. These regulations apply to all operations, as defined herein, conducted within the boundaries of any unit of the National Park System.

3. Section 9.3 is amended by adding a new paragraph (d) to read as follows:

#### **§ 9.3 Access permits.**

\* \* \* \* \*

(d) In units of the National Park System in Alaska, regulations at 43 CFR Part 36 govern access to claims, and the provisions of § 9.3 (a), (b), and (c) are inapplicable.

Dated: March 11, 1987.

**William P. Horn,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 87-7320 Filed 4-2-87; 8:45 am]

BILLING CODE 4310-70-M







# Register Federal Register

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Friday  
April 3, 1987

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## Part IV

### Christopher Columbus Quincentenary Jubilee Commission

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45 CFR Part 2201

Organization, Recognition and Support of  
Quincentenary Projects and Use of Logo;  
Interim Rule With Request for Comments



# CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

## 45 CFR Part 2201

### Organization, Recognition and Support of Quincentenary Projects and Use of Logo

**AGENCY:** Christopher Columbus  
Quincentenary Jubilee Commission.

**ACTION:** Interim rule with request for  
comments.

**SUMMARY:** These regulations are for the  
purpose of informing the public as to the  
organization of the Christopher  
Columbus Quincentenary Jubilee  
Commission, its purposes, to plan,  
encourage, coordinate and conduct the  
commemoration of the voyages of  
discovery of Christopher Columbus and  
to set forth general provisions and  
policies governing the process of  
recognition and support of  
Quincentenary projects as well as for  
the use of the Commission's logo.

These regulations are necessary so  
that the mandates of the Congress in  
Pub. L. 98-375 to plan, encourage  
coordinate and conduct the  
commemoration of the voyages of  
Christopher Columbus may be carried  
out by the Commission.

The intended effect of these  
regulations is to provide basic  
information on the authority and  
structure of the Commission and to  
inform individuals, private and public  
organizations, including governmental  
agencies and states on the procedure to  
obtain official recognition of the  
Commission for proposed projects and  
on the use of the Commission's logo. The  
regulations will also make clear the  
criteria for Commission involvement  
with projects and the limitations on such  
involvement.

**DATES:** Interim rule effective April 3,  
1987, except for § 2201.52. Section  
2201.52 will become effective after the  
information collection requirements  
contained in that section have been  
submitted by the Commission and  
approved by the Office of Management  
and Budget under the Paperwork  
Reduction Act of 1980. Comments must  
be submitted on or before June 2, 1987.

**ADDRESS:** Comments should be mailed  
or delivered to the Christopher  
Columbus Quincentenary Jubilee  
Commission at 1801 F Street, NW., Third  
Floor, Washington, DC 20006.  
Comments received may also be  
inspected at this address between 9:00  
a.m. to 5:00 p.m. A copy of any  
comments that concern information  
collection requirements should also be

sent to the Office of Management and  
Budget at the address listed in the  
Paperwork Reduction Act section of this  
preamble.

**FOR FURTHER INFORMATION CONTACT:**  
Francisco J. Martinez-Alvarez, Assistant  
to the Chairman. Tel. (202) 632-1992.

#### SUPPLEMENTARY INFORMATION:

##### Background

These regulations are issued to inform  
the public as to the authority,  
organization, purposes and functions of  
the Commission and to inform the public  
on the policies that govern the  
recognition and support of projects as  
well as for the use of the logo as  
approved and certified by the  
Commission on December 4, 1986. The  
Commission will review all comments  
received. If changes to the rules are  
indicated by the comments received,  
these changes will be published in the  
**Federal Register**.

##### Executive Order 12291

These proposed regulations have been  
reviewed in accordance with Executive  
Order 12291. They are not classified as  
major because they do not meet the  
criteria for major regulations established  
in the Order.

##### Classification

The Chairman of the Commission  
certifies that these regulations will not  
have a significant economic impact on a  
substantial number of small entities  
because they would impose minimal  
burden on proponents of projects. The  
regulations do not constitute a major  
Federal action significantly affecting the  
quality of the environment and,  
therefore, an environmental impact  
statement is not required.

##### Statutory Authority

This regulation is authorized under  
Pub. L. 98-375, 98 Stat. 1257. No previous  
regulation on these subject matters has  
been issued.

##### Request for Comments

A 60 day public comment period  
ending June 2, 1987 has been provided  
for the purpose of receiving comments  
and recommendations for improvement  
of the regulation prior to publication of a  
final rule. Comments should be mailed  
or delivered to the Commission at 1801 F  
Street, NW., Third Floor, Washington,  
DC 20006.

##### Basis for Interim Rule

The Commission approved these  
regulations as an interim rule as a  
prompt response to the many inquiries  
concerning the criteria for Commission  
involvement in Quincentenary projects.

## Paperwork Reduction Act of 1980

Section 2201.52 contains information  
collection requirements. As required by  
section 3504(h) of the Paperwork  
Reduction Act of 1980, the Christopher  
Columbus Quincentenary Jubilee  
Commission will submit a copy of these  
proposed regulations to the Office of  
Management and Budget (OMB) for its  
review. Organizations and individuals  
desiring to submit comments on the  
information collection requirements  
should direct them to the Office of  
Information and Regulatory Affairs,  
OMB, Room 3002, New Executive Office  
Building, Washington, DC 20503,  
Attention: Joseph F. Lackey, Jr.

All other comments regarding these  
proposed regulations should be sent to  
the Commission's office.

## List of Subjects in 45 CFR Part 2201

Organization and function  
(government agencies), Seals and  
insignia.

Issued in Washington, DC on April 3, 1987.

**John Alexander Williams,**  
*Director.*

For the reasons set out in the  
preamble and under the authority of  
Pub. L. 98-375, 98 Stat. 1257, a new  
Chapter XXII is established and a new  
Part 2201 is added to Title 45, Code of  
Federal Regulations, to read as follows:

## CHAPTER XXII—CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

### PART 2201—RECOGNITION AND SUPPORT OF QUINCENTENARY PROJECTS

#### Subpart A—Commission Organization

- Sec.
- 2201.1 Authorization.
- 2201.2 The Commission.
- 2201.3 Report to the Congress.

#### Subpart B—General Provisions

- 2201.11 Statement of policy.

#### Subpart C—Types of Quincentenary Involvement

- 2201.21 Types of projects.
- 2201.22 Registered projects.
- 2201.23 Official Quincentenary Projects.

#### Subpart D—Limitations

- 2201.31 Withdrawal of involvement.
- 2201.32 Publicity.
- 2201.33 Nonexclusive involvement.

#### Subpart E—Official Quincentenary Logo

- 2201.41 Design and notification of  
certification.
- 2201.42 Authorized use of logo.
- 2201.43 No commercial use permitted.
- 2201.44 Penalties for unauthorized use.



**Subpart F—Procedure for Designation of Official Quincentenary Projects**

- 2201.51 Submission of proposals.
- 2201.52 Requirements.
- 2201.53 Review.
- 2201.54 Confidentiality.
- 2201.55 Notification.

**Appendix A to Part 2201—Official Quincentenary Logo.**

Authority: Pub. L. 98-375, 98 Stat. 1257.

**Subpart A—Commission Organization****§ 2201.1 Authorization.**

The Christopher Columbus Quincentenary Jubilee Commission was established by Pub. L. 98-375, 98 Stat. 1257. The members of the Commission were sworn into office on September 12, 1985 and the first meeting of the Commission was held on September 12, 1985.

**§ 2201.2 The Commission.**

(a) *Composition.* The Commission is composed of thirty members as follows:

- (1) Seven members appointed by the President upon the recommendation of the majority leader of the Senate in consultation with the minority leader of the Senate;
- (2) Seven members appointed by the President upon the recommendation of the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives;
- (3) Ten members appointed by the President, which members shall be broadly representative of the people of the United States, and not otherwise officers or employees of the United States;

- (4) The Secretary of State;
- (5) The Archivist of the United States;
- (6) The Librarian of Congress;
- (7) The Chairman of the National Endowment for the Arts;
- (8) The Chairman of the National Endowment for the Humanities;
- (9) The Secretary of Commerce.

(b) *Service without compensation.* Members of the Commission serve without compensation as a member of the Commission except that members may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(c) *Vacancies.* A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

**§ 2201.3 Report to the Congress.**

Within two years after the first date of the first meeting of the Commission, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the

commemoration of the quincentennial of the voyages of discovery of Christopher Columbus.

**Subpart B—General Provisions****§ 2201.11 Statement of policy.**

(a) The Christopher Columbus Quincentenary Jubilee Commission was established by Pub. L. 98-375 to commemorate the 500th anniversary of the voyages of Christopher Columbus. The Commission will plan, encourage, coordinate and conduct activities commemorating the historic events associated with those voyages. Private and public organizations, as well as state and local governments, are encouraged to conduct activities to commemorate the Quincentenary.

(b) The Commission, recognizing its duty under the law to conduct and coordinate for an array of projects, sets forth these regulations for the registration, endorsement and support of projects. These regulations may be changed or amended by the Commission at any time and any such change or amendment will be published in the Federal Register.

**Subpart C—Types of Quincentenary Involvement****§ 2201.21 Types of projects.**

Subject to the limitations set forth in this and other sections of these guidelines, there shall be two forms of Commission involvement with projects: Registered Projects and Official Quincentenary Projects.

**§ 2201.22 Registered projects.**

(a) The Commission, at its discretion, may include a project in a Register of Quincentenary Projects and Events.

(b) Registered projects are defined as those which

- (1) Will increase public awareness of the Quincentenary; and,
- (2) Meet such other criteria as may be established by the Commission or the agencies or organizations defined in paragraph (c) of this section.

(c) Any project which is adequate for inclusion in the Register of Quincentenary Projects and Events, may be proposed for registration as a registered project by one of the following:

- (1) Any state quincentenary commission or comparable authority established under the laws of a state, territory or the District of Columbia;
- (2) The officially constituted quincentenary commissions of Italy, Spain or other countries or governments recognized by the United States.

(d) The Commission reserves the right to decline to include a project in the

Register of Quincentenary Projects and Events.

(e) The Commission reserves the right to participate in the development and implementation of registered projects, although primary responsibility for the project will rest with the project's sponsor or sponsors.

(f) Registered projects shall receive a Certificate of Registration from the Commission and a letter of agreement detailing the extent of Commission participation in the project.

(g) Registered projects are expressly enjoined from identifying themselves with the Commission unless expressly authorized to do so in writing by the Commission. Registration with the Commission does not authorize the use of the Official Quincentenary Logo for any purpose by the project or any of its sponsors.

**§ 2201.23 Official Quincentenary Projects.**

(a) A project which is presented to the Commission or originated by the Commission, its members or staff, and which the Commission, after careful review and consultation with appropriate entities, determines that such project furthers the mandate of the law in accordance with Section 4(b), and the criteria set forth in this section, shall be designated as an "Official Quincentenary Project."

(b) Official Quincentenary Projects shall be those which, upon the determination of the Commission,

- (1) Will make an exceptional contribution to the commemoration of the voyages of Columbus,
- (2) Will have substantial educational, historical and cultural value in relation to the Quincentenary,
- (3) Will substantially increase public awareness of the Quincentenary,
- (4) Will be adequately financed and directed, and
- (5) Will be accomplished without unreasonable cost to the Commission.

(c) The Commission reserves the right to participate in the development and implementation of Official Quincentenary Projects although primary responsibility for the project shall rest with the project's sponsor or sponsors.

(d) Official Quincentenary Projects shall receive a Certificate stating that the project has been designated as such and a letter of agreement stating the extent of Commission participation in the project.



**Subpart D—Limitations****§ 2201.31 Withdrawal of involvement.**

The Commission reserves the right at all times, upon timely and appropriate notice, and with respect to any project to withdraw its involvement, including authorization for the use of the logo.

**§ 2201.32 Publicity.**

The Commission shall determine the manner in which the Commission's involvement in a project shall be made public.

**§ 2201.33 Nonexclusive involvement.**

Unless otherwise indicated by the Commission in advance and in writing, Commission involvement with a project will not in any way limit the Commission from involving itself in other projects of the same or similar nature.

**Subpart E—Official Quincentenary Logo****§ 2201.41 Design and notification of certification.**

Under the authority granted by Pub. L. 98-375, Sec. 10a, the Commission has designed and adopted a logo as the official symbol of the Quincentenary. This design is depicted and described in Appendix A to this Part of the Commission's regulations. The logo is hereby designated by the Commission as the Official Quincentenary Logo and this designation includes any likeness of the logo which, in whole or in part, is used in such manner as to suggest the Official Quincentenary Logo.

**§ 2201.42 Authorized use of logo.**

The Commission reserves full authority over its logo and permission to use the logo shall be granted only by written authorization by the Commission.

**§ 2201.43 No commercial use permitted.**

Registered Projects or Official Quincentenary Projects shall not carry the logo, symbol or mark of the Commission in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting commercial goods or services, or as part of an endorsement of such goods and services.

**§ 2201.44 Penalties for unauthorized use.**

The use of such logo, symbol or mark, unless otherwise authorized by the Commission, constitute a violation

punishable under Pub. L. 98-375, section 10(b).

**Subpart F—Procedure for Designation of Official Quincentenary Projects****§ 2201.51 Submission of proposals.**

Proposals for projects to be designated as Official Quincentenary Projects may be submitted to the Commission from corporations, organizations, foundations, government agencies, and individuals.

**§ 2201.52 Requirements.**

(a) Each proposal submitted to the Commission shall include:

(1) A brief, typewritten summary of the proposal in English, which shall include a narrative statement indicating how the project meets the criteria established by the Commission;

(2) The name, address, and telephone number of the project director, the date of the application, the name and address of the person or persons responsible for the operation and implementation of the project, and the type of endorsement sought from the Commission;

(3) A comprehensive description of the project;

(4) The names and addresses of all persons or organizations proposing, sponsoring and funding the project;

(5) The total actual and estimated cost of the project, the total amount of funds available (excluding funds committed but not yet received), the names of government agencies and programs from which funds have been received, the source for funds not yet received and a short description of the financial accounting employed for the project;

(6) A statement to the effect that the proponent agrees to be bound by all policies, requirements, regulations and other decisions that have been made or will be made by the Commission affecting the project and those responsible for it; and,

(7) The signature of the person or persons responsible for the project and the project director.

(b) All materials submitted to the Commission shall become the property of the Commission.

(c) All materials shall be delivered personally or by mail, return receipt requested, to the office of the Commission at 1801 F Street, NW., Third Floor, Washington, DC 20006 or to its designated address.

(d) Although not required, it will be helpful to the Commission to receive one (1) original and two (2) copies of all materials included in a proposal submitted to the Commission.

**§ 2201.53 Review.**

(a) The Commission staff will perform an initial, procedural review of all proposals submitted to the Commission.

(b) After the initial procedural review by the staff, the staff shall refer the proposed project to the appropriate committees of the Commission which shall submit their recommendations to the Commission for final action. The Commission shall determine the manner in which proposals shall be reviewed.

(c) Unless delegated by vote of the Commission to the Director of the Commission, final authority to decide Commission involvement with the projects remains with the full Commission.

(d) All communication to and from the Commission regarding a project shall be made through the project director designated in the proposal.

**§ 2201.54 Confidentiality.**

Although the Commission cannot guarantee confidentiality in its review of proposals, the Commission will make every possible effort to maintain the confidentiality of those proposals for projects which, in their summary, request confidentiality.

**§ 2201.55 Notification.**

The Commission will notify the project director, in writing, the determination concerning an award for endorsement. The Commission may issue a letter of encouragement when a project demonstrates merit but has not obtained Commission approval as an Official Quincentenary Project. The Commission shall also issue a brief letter of explanation when a project is denied endorsement.

**Appendix A to Part 2201—Official Quincentenary Logo**

This Appendix is intended to improve the quality of Part 2201 by setting forth a description and depiction of the Official Quincentenary Logo by the Christopher Columbus Quincentenary Jubilee Commission. The Logo is the subject of Subpart E, §§ 2201.41 through 2201.44, and it is referred to repeatedly thereafter. This Appendix contains no requirements or restrictions which are not already in the regulations.

Description: The Logo consists of the number "500" in outline form, as represented in the illustration below accompanied by the legend "Christopher Columbus Quincentenary Jubilee." In color, the Logo is intended to appear on a white field. The number "five" is in red, the first zero and center cross design are in green, the second



zero and center star design are in blue. The words "Christopher Columbus" appear above the numbers in gray and the words "Quincentenary Jubilee" appear under the numbers in gray. When printed in color, the following PMS color designations must be used: Red PMS 485; Green PMS 355; Blue PMS 285 and Gray PMS 424. The Logo may also be duplicated wholly in black on a white or light-colored field or in white on a black field.

CHRISTOPHER  
COLUMBUS



QUINCENTENARY  
JUBILEE

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# Reader Aids

Federal Register

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#### Code of Federal Regulations

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Printing schedules and pricing information	523-3419

#### Laws

523-5230

#### Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

#### United States Government Manual

523-5230

#### Other Services

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Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

## CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 7 CFR

301.....	10357
354.....	10364
713.....	10725
717.....	10725
724.....	10725
725.....	10725
726.....	10725
770.....	10725
907.....	10728
910.....	10729
1097.....	10729
1137.....	10730
1468.....	10731
1472.....	10731
1475.....	10725

#### Proposed Rules:

400.....	10764
1955.....	10577
1965.....	10577

### 9 CFR

78.....	10554
---------	-------

#### Proposed Rules:

92.....	10765
317.....	10766
319.....	10766

### 10 CFR

50.....	10771
---------	-------

### 12 CFR

202.....	10732
203.....	10365
205.....	10734
500.....	10557
564.....	10557

### 14 CFR

39.....	10558, 10735, 10736
71.....	10559
73.....	10559, 10560
95.....	10737

#### Proposed Rules:

39.....	10581
71.....	10582

### 15 CFR

371.....	10741
----------	-------

#### Proposed Rules:

368.....	10771
----------	-------

### 18 CFR

271.....	10741
381.....	10366

#### Proposed Rules:

1301.....	10772
-----------	-------

### 19 CFR

24.....	10561
---------	-------

133..... 10668

#### Proposed Rules:

111.....	10774
----------	-------

### 20 CFR

10.....	10486
---------	-------

#### Proposed Rules:

200.....	10384
615.....	10774

### 21 CFR

193.....	10561, 10562
510.....	10668
520.....	10668
522.....	10668
524.....	10668
529.....	10668
561.....	10562

### 24 CFR

#### Proposed Rules:

905.....	10668
968.....	10668

### 26 CFR

1.....	10368, 10741, 10742
5f.....	10368
54.....	10563
602.....	10368, 10563, 10742

#### Proposed Rules:

1.....	10774
54.....	10583
602.....	10583, 10774

### 28 CFR

545.....	10528
----------	-------

#### Proposed Rules:

549.....	10531
----------	-------

### 29 CFR

2644.....	10368
-----------	-------

#### Proposed Rules:

1625.....	10584
1910.....	10586

### 30 CFR

914.....	10369, 10373
----------	--------------

### 32 CFR

706.....	10374, 10748, 10749
----------	---------------------

### 33 CFR

#### Proposed Rules:

100.....	10593, 10594
----------	--------------

### 36 CFR

1.....	10670
2.....	10670
4.....	10670
7.....	10670
34.....	10670

## FEDERAL REGISTER PAGES AND DATES, APRIL

10357-10556.....	1
10557-10724.....	2
10725-10874.....	3



228.....	10564
<b>Proposed Rules:</b>	
9.....	10866
<b>39 CFR</b>	
10.....	10375
111.....	10749
<b>40 CFR</b>	
52.....	10751
60.....	10852
110.....	10712
180.....	10375, 10376, 10565, 10567
271.....	10568
761.....	10688
799.....	10377, 10752
<b>Proposed Rules:</b>	
52.....	10596
<b>41 CFR</b>	
201-32.....	10379
<b>44 CFR</b>	
64.....	10753
<b>Proposed Rules:</b>	
5.....	10385
6.....	10385
<b>45 CFR</b>	
2201.....	10870
<b>46 CFR</b>	
<b>Proposed Rules:</b>	
154.....	10598
<b>47 CFR</b>	
2.....	10568
22.....	10571
73.....	10381, 10382, 10568, 10757
74.....	10568
78.....	10568
<b>Proposed Rules:</b>	
90.....	10389
<b>49 CFR</b>	
219.....	10575
1207.....	10382
1249.....	10382
<b>Proposed Rules:</b>	
571.....	10775
<b>50 CFR</b>	
301.....	10759
611.....	10761
642.....	10762
652.....	10763
672.....	10761
675.....	10761
<b>Proposed Rules:</b>	
640.....	10780
651.....	10781

## List of Public Laws

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List April 1, 1987